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The Outlook

Volume 147

October 5, 1927

Number 5

Al Smith and His Party

THE West "couldn't see" Governor Smith as a candidate for President in 1924. Now it can. That may be as much as the change amounts to, but that is a good deal.

A conference of Smith Democrats from the Pacific and intermountain States was held recently in Ogden, Utah. It was not largely attended. A number of leaders who came in at the beginning "bolted." Those who remained were not, for the most part, Nationally known. But, such as they were and for such as they represented, they unqualifiedly indorsed the candidacy of Governor Smith for the Democratic nomination for the Presidency.

That night a "fiery cross" burned on the heights of Mount Ogden, casting the flicker of its flames on the city of the Smith conference.

Clearly, Governor Smith is not in peaceable possession of the Democratic strength of that region. But, just as clearly, the fact that he is the outstanding figure in his party is recognized. Any strength that he has there is clear gain since 1924.

There is a feeling that he is to have the nomination by default. The withdrawal of Mr. McAdoo has left no organization opposed to him, and the wing of the party which is opposed to him has done nothing to bring about a new organization.

Edwin T. Meredith, of Des Moines, a McAdoo supporter and at one time apparent heir to the McAdoo strength, was recently in New York, and was quoted as saying that unless the dry, progressive Democrats perfected an organization within thirty days they might as well concede the nomination to Governor Smith. But the announcement comes from Patrick H. Callahan, the dry, Catholic Democrat of Louisville, that no conference will be held until winter. He then, in the rôle of a Jeremiah, predicted that the Democratic Party will lose two million votes if it nominates Smith and two million if it does not.

All of this, however, comes nine months ahead of the nominating Convention. These Democrats may be amused next June at what they said this September. Governor Smith is not yet the choice of his party for the Presi-

dency. He is merely the one outstanding figure in his party, with some elements of strength in places where he had none in 1924.

Indiana's Bitter Dose

OUT of Indiana's reeking political scandal has come a conviction in the first case tried. John L. Duvall, Mayor of Indianapolis, was found guilty of violating the corrupt practices act, was fined a thousand dollars, sentenced to jail for thirty days, and barred from holding public office for four years from the commission of the offense. The specific charge proved was that Mayor Duvall, when he was a candidate, bartered three city offices for money, but testimony was offered as to various other alleged corrupt transactions. Members of the Ku Klux Klan took the stand both to assert and to deny that Duvall promised not less than sixty per cent of all patronage to that organization in exchange for its support.

Some of the truth has been established in this trial. In other trials that are to come other charges will be cleared up. Whether any particular charge is proved or disproved is not of paramount importance. The essential thing is that Indiana has begun the process of purging itself of a poison in its body politic, for the presence of which not D. C. Stephenson nor the Klan nor Duvall nor Jackson, but the people of Indiana, were responsible.

A New Governor and the Rediscount Rate Question

HARD upon the action of the Federal Reserve Board in forcing the Federal Reserve Bank of Chicago to raise its rediscount rate came the resignation of D. R. Crissinger, Governor of the Federal Reserve Board, and the appointment of Roy A. Young as a member of that Board, with the belief prevalent that he will succeed Mr. Crissinger as Governor.

There may have been no connection between the asserting by the Board of a right to fix rediscount rates and the resignation of Governor Crissinger, but there is little doubt that the change in personnel will bring about at least a reconsideration by the Board of its newly asserted power.

Governor Crissinger's resignation removes from the stage in Washington the last of the Harding appointees of the "old home group." He was a Marion man, a personal friend of President Harding, and was hailed as being to small-town banking what Harding had been to small-town journalism. Much was expected of him—not so much by rural bankers as by those who are interested in rural banking.

Mr. Young, also, is of small-town origin, having begun his banking career as a messenger in Marquette, Michigan. Latterly, however, he has been a city banker. Nearly ten years ago he was appointed by President Wilson as Governor of the Federal Reserve Bank of Minneapolis, and has occupied that position since.

It is generally understood that Mr. Crissinger, the small-town banker, stood for centralization of power in the rate fight. It will be interesting to see where Mr. Young, the city banker, stands in the reconsideration of the same question.

There is as yet no certainty that Mr. Young will succeed Mr. Crissinger as Governor of the Federal Reserve Board. The President may designate any member of the Board as Governor. His position as a mere member of the Board, however, may be decisive. It has been generally understood that the decision of the Board to assert the rate-fixing power was reached by a majority of one.

Ambassador Morrow

NO better augury for the settlement of the conflicting claims of the United States and Mexico could well be imagined than President Coolidge's appointment of Dwight W. Morrow as Ambassador to Mexico. Many Americans can see dangers involved in the investment of American capital in the Latin-American countries. In view of their fears, it is pertinent to quote here some of the statements made by Mr. Morrow in an article in the American quarterly review "Foreign Affairs" for last January. Citing Mr. Root as an authority, Mr. Morrow points out in this article that the United States has never regarded it as suitable to use armed forces for the collection of contract debts of foreign governments to its citizens. He goes further and says that it is to the interest

of investors that the policy initiated by Mr. Root should be carried on. "Investors who buy foreign loans," says Mr. Morrow, "are in a position to appreciate what a fruitless remedy for breach of contract war is. . . . Is there any one who thinks that if a man owes him money and cannot pay it, there is profit in going out and killing the debtor?" And in conclusion Mr. Morrow says:

In the overwhelming majority of business transactions, we rely upon the ability and the willingness of the debtor to pay. On no other principle could modern business be conducted.

There is no international sheriff. But there still remains our reliance upon good faith, our reliance upon that law which is older than statute law—the acknowledged custom of mankind.

These quotations indicate the spirit in which Mr. Morrow undertakes his new, difficult, but interesting task. Mr. Morrow's qualifications for this are further set forth at some length in an article on another page by the Contributing Editor entitled "On the Importance of Being an Ambassador."

A Trillion-Dollar Legacy— Who will Get It?

THE Dead Sea has suddenly come to life. The world has just been told by the newspapers that the neglected chemicals—chiefly potash (fertilizer)—of this small body of water are worth a trillion dollars. A trillion dollars, not a billion. A trillion dollars is about three times the total value of the United States and everything within its boundaries. And thus, we are told, the Dead Sea is to be quickened by science and engineering into \$1,190,000,000,000.

It seems odd to most of us that so incomprehensible a mine of wealth should have been discovered only at this late date. But, as a matter of fact, the knowledge of its existence is not particularly recent. Those who have to do with mineral statistics have long known that there was at least a great deal of valuable mineral in the Dead Sea basin, though the full extent of it is a matter of recent realization. The Turk, who long blighted civilization in that part of the world, successfully opposed until recently the exploitation of the Dead Sea wealth. But no sooner had Allenby won the Last Crusade in 1918 than British geologists were heading for the Dead Sea to make a careful quantitative estimate of the suspected billions. They turned out to be trillions.

Potassium chloride, two billion tons; sodium chloride ("salt"), twelve billion tons; magnesium and calcium salts,

more billions of tons—figures like this mean little and statistics are as dry as the Dead Sea environs themselves. The point is that here nature has been concentrating for at least hundreds of thousands of years all these invaluable chemicals, using a process which man sometimes uses, but only at great cost—the evaporation of solids from solutions. Literally, the Dead Sea is and long has been a big evaporating dish, the sun its flame.

Deposits of potash exist in other parts of the world; those of Alsace are the best known. Here it is a case of the same thing going on in far more ancient geologic periods—a sort of "fossil" dead sea; another of the same nature is rapidly coming to light in Texas, buried in this case by thousands of feet of more recent sediments. Greatest of all potash stores is granite, containing pink felspar, which is a compound of aluminum, silicon, oxygen, and potassium. Yet man cannot economically touch its potassium and must wait for rain and frost and atmospheric acids to break it slowly down from the rock. This goes on all the time on all the continents, but the potash escapes to the sea; in the Dead Sea basin, without outlet, this escape cannot occur, and concentration therefore takes place.

Who will get the potash? First, the British. The Palestine governments will also get a royalty—enough to keep them fat, at least. And American interests are said to be trying to obtain a further slice. In any case, it looks as if the French-German fertilizer interests and all the other potash fertilizer interests had something to worry about.

What does the wealth of much fine gold amount to when stacked up against enough fertilizer to quicken a primary industry like agriculture?

A Six Months' Strike

How many people know that a soft-coal strike has been going on for six months in several States and is still unsettled? The reason illustrates pointedly the difference between this soft-coal strike and the anthracite strike two years ago. After half a year there is no shortage of soft coal and wages in the non-union and independent mines have not risen perceptibly. This is just another way of saying that if both union and non-union mines were fully at work the production of soft coal would exceed the need.

The obvious question asked is how such a strike can continue. Yet it does continue. The union leaders have refused an offer to settle at the current

wages of the districts and insist on the letter of the agreement made in Jacksonville three years ago. For one reason it continues because many of the 170,000 miners nominally out of work have actually taken jobs in the non-union mines or are working in some other employment. On the other hand, it is said that some union mines are paying the Jacksonville scale.

This peculiar situation is due to the fact that bituminous mining may exist on a small scale in some places with profit, in others not—depending on the ease of transportation and the extent of commercial needs. As both soft and hard coal miners belong to one National body, the United Mine Workers, there has been considerable influence brought to bear on the strikers to maintain their fight for other than their own local benefit and in the interest not of their economic needs but of the policy of the American Federation to maintain favorable contracts at all costs.

To fix wages without regard to production seems like trying to make water run up-hill.

Tips or Wages—Which?

EVERY one smiled who read in the newspapers that Pullman porters dislike tips. How fully the Brotherhood of Sleeping Car Porters represent the large number of our colored friends known generically as George, the account does not show, but the Brotherhood seems to be earnest and honest. And there is a good deal to say in favor of their proposal to abolish all Pullman tips.

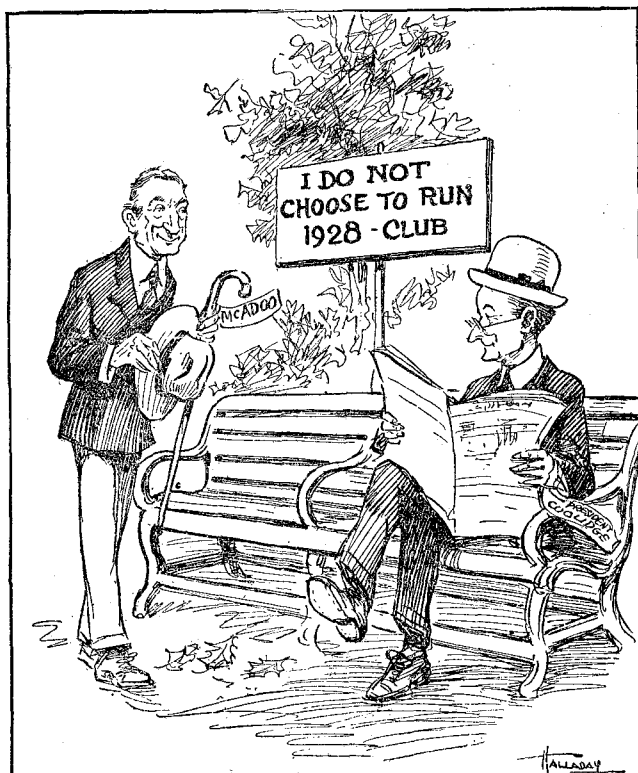
They say that they regard the practice as making their service menial. Descending from social to financial ground, they suggest that the Pullman Company is an undeserving beneficiary of the tipping system because it pays its porters only about half what it would have to pay if tips were not allowed, and that its stockholders are unduly benefiting thereby. Economically speaking, they argue that it would be better and sounder business for everybody if their salaries should be raised and be paid by the Pullman Company instead of by the public on a haphazard or chance basis.

A brief on the subject is to be laid before the Interstate Commerce Commission. It is argued that if tips were abolished railway fares would include the cost of porter service, which is now paid for indirectly and irregularly by passengers, and that this involves violations of railway law as to rates.

Incidentally, it appears that Pullman porters now get a minimum wage of

Cartoons of the Week

Halladay in the Providence Journal



Another member

From Mrs. C. R. Allen, Saratoga Springs, N. Y.

Carl Rose in the New York Evening World



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"Let's both climb down, monsieur"

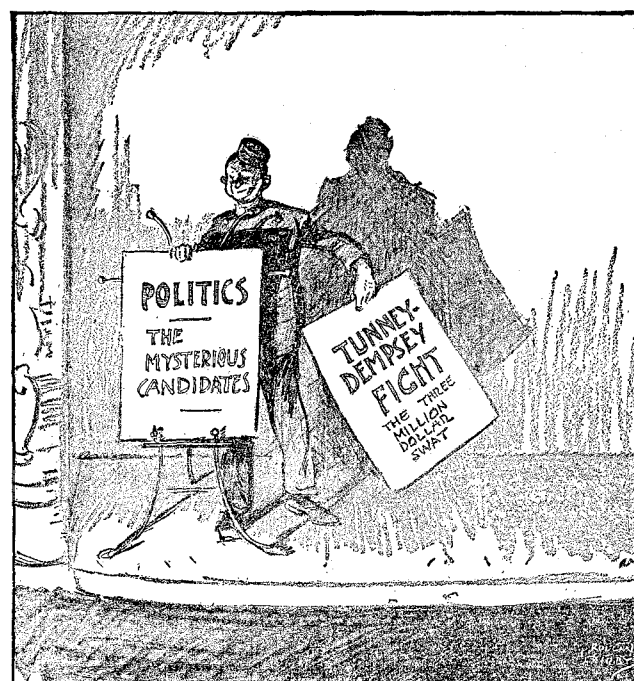
From Dora Albert, New York, N. Y.

Knott for the Dallas News



He didn't know it was loaded!

Kirby in the New York World



Changing the act

\$72.50 per month as compared with \$27.50 in 1916, and that the company has been saved by the part-pay, part-tip system some \$150,000,000 since the Pullman sleeper was invented.

There is undoubtedly a special pleasure in recognizing by a gratuity service well and politely rendered. On the other hand, when tips are paid solely because it is the custom and without regard to good, bad, or indifferent service rendered, or when tipping is ostentatious display of money-pride, or when it is a sort of competitive bidding to get unfair precedence, it is a nuisance and an offense.

The Country Doctor

IN a speech before the National Clinical Congress, which was held at New Haven, Dr. Morris Fishbein deplored the passing of the personal physician. Under existing conditions, he said, the skilled practitioner and the specialist are being transformed into medical machines, while the advantages of our modern hospital system tend to become outweighed by the depersonalization of the patient.

Dr. Fishbein might have extended his remarks to apply to the country doctor. Even more than in the city, the passing of personal physicians would be a cause for the deepest regret in our rural districts. Yet there is a tendency in this direction. It is hard for country districts to get doctors who measure up to the standards which they rightfully demand, for the type of man who used to be content with a country practice is being drawn into the city, lured there, not only by hope of fame and fortune, but also by the opportunities for advancement in the practice of his profession. It is a problem which has already awakened the concern of the American Medical Association.

The country doctor, driving day and night on his long rounds in all kinds of weather, has always been a romantic figure of American life. He is often the outstanding member of his community, friend and adviser to all his neighbors as well as their physician. He is a man whom the country cannot afford to lose. Certainly some means should be found to attract physicians to a service so vital to our National well-being.

An Immense Little-Known Island

AN Arctic exploration expedition in search of knowledge rather than of sensational headlines in the papers is that carried on this summer in Baffin Land by George Palmer Putnam. Reports of its activities are now coming in,

and are of general as well as of scientific interest.

Baffin Land is rated as the fourth largest island in the world. This expedition has trimmed its size down by 5,000 square miles (about the size of Connecticut) as a result of a coast survey in stretches not heretofore measured. But this reduction from an area which has been estimated at from 230,000 to 300,000 square miles (at least three times the size of Great Britain) still leaves Baffin Land a vast expanse, largely unmapped, much of which, Mr. Putnam says, has never felt the foot of white men. Mountains perhaps 8,000 feet high, lakes over a hundred miles long, minerals of commercial value, are known to exist. Incidentally, it is believed that the expedition has discovered in Baffin Land the summer home of the blue goose, a problem that has long baffled naturalists.

Wireless despatches from Mr. Putnam to the New York "Times" give an interesting account of a sub-expedition in a whale-boat along the unknown western coast and a push of fifty miles into the interior. Along the eastern coast there are small Eskimo settlements, but for the most part the great island is barren and desolate.

Baffin Land is out of the usual line of whalers and explorers, and for that very reason, as Mr. Putnam points out, it offers a peculiarly interesting field for geographers, geologists, and even perhaps archaeologists. The task is not without hazards as to sea and coast.

It is a distinct gain to science that a large extent of accessible land is no longer to be almost fabulous as regards its nature and availability to human uses.

The New Radio Waves

IN some manner the newspapers seem to have created the impression that the new five-meter radio waves with which the scientists of the General Electric Company have just been experimenting are something inherently different from ordinary radio waves. They move in straight lines, and so-called "radio shadows" are cast when they encounter solid obstacles. Both performances smack of what we know as light. Yet radio waves are a kind of light.

Light to most of us is something we sense with our eyes. Our difficulty lies in grasping without the bias due to our own immediate experiences the reality behind such almost identical phenomena as visible light and radiant heat, X-rays and radio waves, all of which are also a kind of light. It is because we have

anatomical equipment for perceiving only two of these four that we tend to regard them as something quite different from one another. To sense radio waves we must first translate them into sound, a wholly unrelated phenomenon; X-rays we must first slow down ten thousand times in frequency before we can sense their presence with our eyes.

Why this peculiarity, this "choosiness" of the human senses, if all these phenomena are one and the same kind of thing? It is enough to say that man and the animals evolved in an environment whose description was evidently well enough conveyed to them by the limited senses they possessed. Can we not, however, conceive of a synthetic creature equipped to sense the entire range of phenomena comprised in this term "light," taken in its broader, more philosophic sense? From the longest wireless waves, fifteen miles from crest to crest, to the shortest known waves, made known a year or so ago by Millikan under the name of cosmic "rays" (waves), there extends an absolutely unbroken gamut: wireless waves, radio broadcast waves, radiant heat or infrared light, visible light (red to violet), ultra-violet "rays" (waves again, in reality), X-rays, the gamma "rays" given off by radium, and the cosmic "ray."

We Remain Ignorant

IN all this great spread of waves there is no inherent difference. They differ only in length, which is another way of saying they differ in frequency of vibration; for we may think of them as something like smooth water waves in a quiet pond, moving ahead and vibrating up and down at one and the same time. And the five-meter waves of the recent radio experiments are simply a part of this great gamut which we must regard as only artificially or arbitrarily divided into various ranges to suit the convenience of man (the waves existed before man).

What medium these waves exist in is an interesting problem. A few years ago we should have said with certainty, the ether. More caution is used to-day, though the ether remains a splendid postulate by means of which to explain their performances. Like the hypothetical ether itself, the Einstein theory has rendered the old ether concept rather tenuous. Einstein did not, as is sometimes erroneously stated, throw out the ether—he simply did not need it, hence he did not bring it in. And the Einstein theory is now pretty well along toward tentative acceptance. In place of the

ether for the transmission of light we have the newer quantum theory: light is some sort of energy flying in separate little bundles. This is a return to the cruder idea back of Newton's original corpuscular theory of light. The fact is, however, that we do not yet know what light is. We only know some of the things it does.

The Women's National Golf Championship

JUST when it seemed almost certain that the American champion among women on the links would be a Canadian, the tables were unexpectedly turned. Just before the semi-finals Mrs. W. G. Fraser, of Ottawa, defeated the brilliant young French golfer, Mlle. Simone Thion de la Chaume, who was regarded almost as the Helen Wills of golf. Miss Ada McKenzie, champion of the Dominion of Canada, at the same time reached the semi-finals. Though born and bred in Georgia, and as Miss Alexa Stirling winning her chief golfing fame in the United States, Mrs. Fraser is of British parentage and is the wife of a Canadian. Contrary to general expectations, Mrs. Fraser was beaten by Mrs. Miriam Burns Horn, of Kansas City; and Miss McKenzie was beaten by Miss Maureen Orcutt, of Haworth, New Jersey. In the finals the victory went to Mrs. Horn by five up and four to play. On the links, as on the tennis courts, women have been successful in repelling the invaders.

"Kill the Umpire"

CERTAIN principles of sportsmanship have decreed that onlookers at such sports as tennis, golf, and polo must restrain the natural expression of their feelings, but there has never been any disposition to restrict the prerogatives of baseball fans. It has been an unwritten law that if the spirit so moves them they may hiss, jeer, catcall, and—at times of extreme provocation—throw bottles without awakening any extreme condemnation from the public. It is true that mobbing an umpire is not in the best of form, but the rules of etiquette governing spectators at the great National pastime have always been most liberally interpreted.

Now a severe blow has been struck at this bulwark of free speech. Connie Mack, manager of the Philadelphia Athletics, has dragged into court an obstreperous fan whom he charges with disturbing the peace. He is not accused of throwing bottles or mobbing an umpire, but simply of upsetting the nerves of the



Underwood & Underwood

Miriam Burns Horn, winner of the National Women's Golf Championship; William C. Fownes, Jr., President of the National Golf Association; and Miss Maureen Orcutt, metropolitan champion

players by consistently and vociferously "bawling them out." His re-echoing shouts were too much for even hardened ball-players.

It is a momentous issue which has been raised by this attack upon what had been considered the inalienable rights of the fan. The decision of the Court will be awaited with the greatest interest.

Contests in the Air

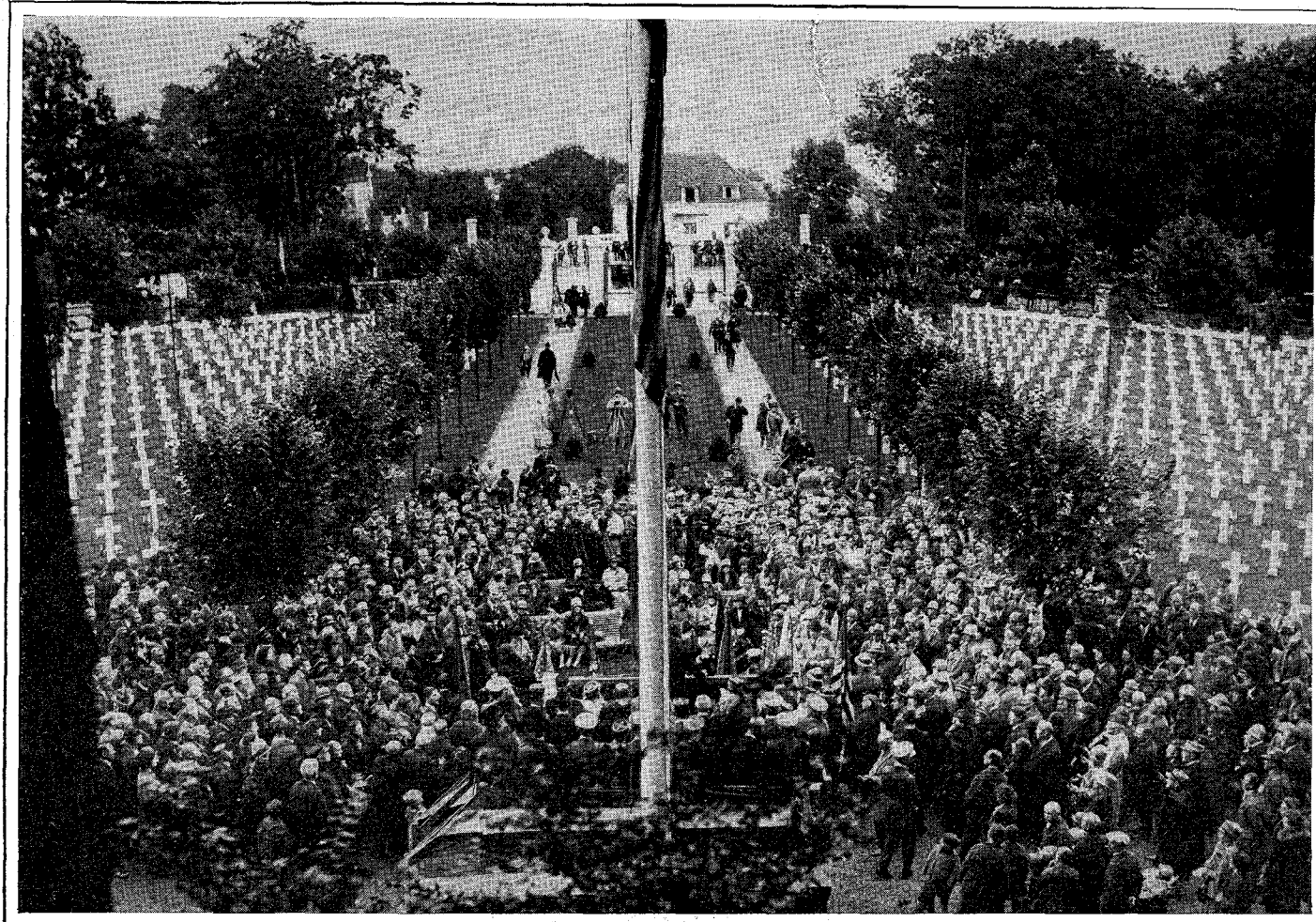
A NEW speed record was made in the Schneider Cup race for seaplanes off the Lido at Venice. The distance flown was about 217½ miles (350 kilometers) and the average speed of Flight Lieutenant S. N. Webster, one of the three British contestants, was at the rate of 281½ miles per hour; his fellow-countryman Flight Lieutenant Worsley also broke the previous record, and Lieutenant Kinhead, the third Brit-

ish contestant, in one lap attained the marvelous speed rate of 289½ miles per hour. This is stated to be the highest officially recorded speed ever reached by a human being.

The only other contestants were three Italian planes. All were forced down by engine trouble.

If we compare the new record with that of Major de Bernardi, of the Italian Air Force, last year (246½ miles), it will be seen that the speed of seaplane flying has been pushed forward notably. In part this is due to improvement in the form of the planes and in part to superior engines. The plane that Lieutenant Williams would have entered for this country had he been able to get it in shape in time has been laughingly described as the "flying motor" because its motor is enormous in proportion to its small wings.

There has been special interest in this



Acme

AT THE AMERICAN CEMETERY IN SURESNES

Members of the Legion attend memorial services for their comrades whom they left behind

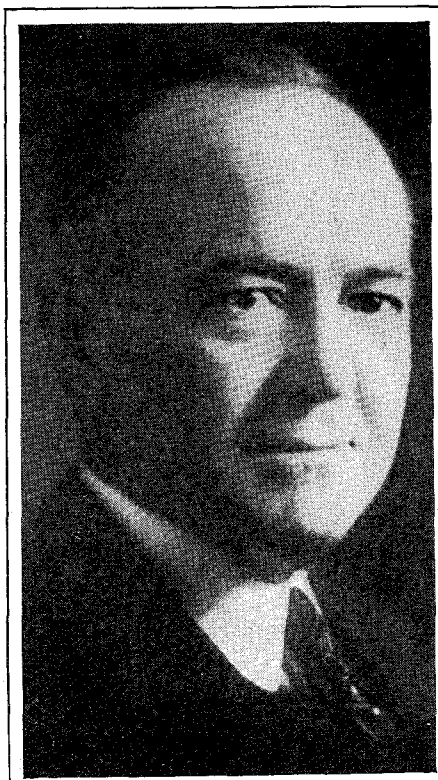
contest since M. Jacques Schneider offered the prize to the French Aero Club fifteen years ago, and from that time the speed shown has increased by five times and more. There is a growing feeling that the use of the seaplane for sea trips will be developed until it is both the best and fastest plane for that purpose.

The races to Spokane and at Spokane (called the National Air Derby) were completed with one fatality—Richard Hudson and Jay Radike were killed near Morristown, New Jersey, when their plane crashed. Several other planes were forced down in the across-the-country flights. There were three separate contests in the New York-to-Spokane races; the non-stop flight produced no winner; the list of contestants and winners in the two flights with certain fixed stops would fill a column or more of this journal. That the flights were successful in increasing a healthy spirit of reasonable competition in aviation races is generally agreed. Careful official planning and supervision made this possible.

Au Revoir

WHEN the plan was announced for the American Legion to hold its

Convention this year in Paris, there were many misgivings. On account of the



Keystone

Edward E. Spafford, of New York City, the newly elected National Commander of the American Legion

war debts the French were believed, in some quarters in America, to have none too kindly feelings toward Americans and to be none too ready to welcome any reminder of that other debt, not estimated in money, to those from overseas who had helped to repel the invader. Besides, there were doubts as to the self-restraint of these Legionnaires who would be celebrating far from home and without military discipline. If reports that come to us from the Convention may be believed, there was no occasion for these misgivings or doubts. Both French and Americans have justified faith in their common sense, self-control, and good will. The French people have welcomed their old friends and gladly acknowledged an unpayable debt. And the visitors have shown that mixture of exuberance and of respect which is the natural response of men revisiting scenes where they have had a great and lasting experience.

Now General Pershing has suggested that the Legion make another pilgrimage ten years from now.

For the first time the Legion has chosen as National Commander a Navy man. The new Commander is Edward Elwell Spafford, a graduate of the United States Naval Academy, who,

after resigning from the Navy with the rank of Lieutenant-Commander in 1914 to study law, re-entered the Navy and served in command of a destroyer in the Mediterranean.

With the election of the successor to National Commander Savage the formal meetings of the Convention came to an end. During the Convention, however, and afterwards many Legionnaires visited scenes of battles and other parts of France where they had served. Especially noteworthy were two pilgrimages—one, of several hundred of the Legionnaires to Verdun as a mark of respect to the French who to the number of nearly half a million gave their lives there that the invaders should not pass; the other, to St. Mihiel, where the Americans for the first time as a unit made their presence really felt on the German lines by wiping out the salient that had stood there for four years.

Whatever the impression of the Legion Convention of 1927 may have upon France, the effect upon America is likely to be most significant. The men who made this visit are men whose influence directly, and indirectly through the organization they represent, upon American public opinion will continue for years to grow. It is not likely that this visit will do anything to change either the interests of France or the interests of the United States; but it is certain that it will affect the way in which our interests are represented in any dealings with France and the way in which the interests of France are understood in this country.

A Plausible Plan

BECAUSE the members of the American Legion will furnish an increasing number of leaders in public affairs, what the Legion thinks on public questions is an indication of future legislation. It is therefore of significance that at the Convention in Paris the Legion adopted a resolution urging the creation of a Department of National Defense with three branches, one branch for the Army, one for the Navy, and one for aviation. The demand for this change, however, was conditioned by the words "as soon as warranted."

The resolution for this change was not adopted without a very active and at times hot discussion. The argument for removing aviation from the Army and Navy seemed to many, and especially to some aviators, as convincing. Nevertheless we believe that those who voted against this resolution really represented the best sense on the subject. The President pointed out that the Army and the

Navy were now united under the Commander-in-Chief and that bringing them together in a new department would serve no useful end.

There is really no more reason for taking naval aviation out of the Navy Department and taking military aviation out of the War Department and putting



Wide World

Baron Ago von Maltzan

them together under an Aviation Department than there is for taking naval artillery out of the Navy and field and heavy artillery out of the Army and putting them under an Artillery Department. There is no doubt of the need for improvement in the organization in both the War Department and the Navy Department, as there is need for improvement in all the departments in Washington; but the burden of proof rests upon those who for the sake of securing better aeronautical supplies and getting rid of red tape would tear down the present structure and build a new and untried one.

Ago von Maltzan

AN injury or defect in an airplane has seriously affected international relations. When a Luft Hansa plane, that was on its regular route from Berlin to Munich, crashed on September 23, it carried to their death the pilot and four passengers. One of those passengers was the German Ambassador to the United States.

When Ambassador von Maltzan came to Washington two years ago last

March, relations between the United States and Germany were still those of nations quite conscious of their recent enmity. By his tact, his good will, and his common sense he hastened the restoration of normal feeling. Two flag incidents may be taken as symbols of the change. When President Wilson died, the flag at the German Embassy in Washington was noticeably not at half-staff. Last November, on Armistice Day, both German flags flew over the German Embassy in honor of the American dead. Of themselves such incidents do not make or mar international friendships; but they do signify a good deal concerning the attitude of those on whose ability and tact international relations largely depend. The real business of diplomacy lies in adjusting the interests of one nation with those of another; and when the business of making adjustments is intrusted to people who understand one another's points of view, diplomacy has a good chance of success. Baron Ago von Maltzan was ready to risk some loss of popularity at home for the sake of considering American points of view.

He came of the German nobility. His first name, Ago, was really made up of the initials of three of his given names. Baron Adolf Georg Otto von Maltzan was Freiherr zu Wartenberg und Penzlin. He belonged to the class known as Junkers, associated in American minds with the régime in Germany that was responsible for the war; yet he adapted himself with astonishing readiness to the new order. He was one of those who recognized the superiority of loyalty to their country over loyalty to their class. Much to the horror of some of his compatriots, he approved the Dawes Plan.

It was Baron von Maltzan, so the story runs, who secured the German Emperor's abdication. This may be his greatest achievement, but he served his country well as diplomat in various posts. He was only fifty years old when he died.

Elbert Francis Baldwin

WE deeply regret to announce that as this issue of *The Outlook* is partly on the press we learn by cable of the death of Dr. Elbert Francis Baldwin at Geneva, Switzerland. For over thirty years he had been a member of the staff of *The Outlook*, and at the time of his death he was in the sixth year of his service as *The Outlook's* editorial correspondent in Europe. His wide acquaintance with public men here and abroad, his painstaking accuracy, his poise and sound judgment, his sense of fairness

and justice, his familiarity with foreign tongues, and his unusual memory for events combined to an extraordinary de-

gree to fit him for his lifework. Next week we shall give a further account of his life and service.

Our Buttressed Bureaucracy

REAR-ADMIRAL T. P. MAGRUDER has started the bees buzzing in the hive at Washington. He has committed the indiscretion of publishing some public figures. In an article in the "Saturday Evening Post" he has pointed out that the cost of the Navy in 1926 is nearly four times what it was in 1908. Nineteen years ago, when Theodore Roosevelt was President, the United States fleet's auxiliaries were few, now they are many. But the difference does not account for the difference in cost. The nub of the whole matter may be found in the fact that there are over three times as many officers on duty in the Navy Department at Washington now with their attendant clerical assistants as there were only nine years ago. This is what in business is called a big overhead. The Navy is over-organized afloat and ashore. Admiral Magruder goes into detail. For example, he cites the case of a force consisting of four auxiliaries—fuel, supply, and repair ships—and five tugs commanded by a rear-admiral. He tells the old story of the unnecessary navy yards. He describes the red tape and the typewriters.

What Admiral Magruder says about the Navy Department could also be said in varying degrees about other departments at Washington. We had occasion a few weeks ago to print three articles which described a similarly enlarged overhead in the Forest Service. Only last week we referred to the harm that a blundering bureaucracy had done to the cotton growers—another example of the same evil, an overgrown overhead.

What happens when such bureaucratic evils are pointed out? Do we find the bureaucrats thanking the critic who points out the harm that they are doing? Do we find them turning to industrial engineers to get expert advice in planning? Not in our experience. Those who have the power believe that it is in wise hands. They are quick to point out errors in detail if errors there are in the criticism; but they have no concern over the question whether in substance the critic is right and whether there is some remedy.

In the current issue of the "Yale Review" William Bennett Munro, Professor of Municipal Government in Harvard University, has an article in which he comes to the rather gloomy conclusion that there is no way of reconciling

democracy with efficiency. He argues that in proportion as people control their own government they tend to make that government costly. This is in a measure probably true. We must pay the price for the liberties we have, and if we pay it in money at least we are better off



Acme

Eamonn De Valera, Irish agitator

than by paying for it in blood. But that is no reason why any people should endure both the veiled autocracy of the bureaucrat and his inefficiency. If we are going to be inefficient, let us at least get rid of bureaucratic tyranny. Our departments at Washington need overhauling.

Must Ireland Fight Her War Again?

ANARROW margin of six votes in Parliament is all that keeps the Government of the Irish Free State in power. After the hard-fought election that followed President Cosgrave's call for the support of the people, that is the small balance of power that he and his Cabinet were able to secure. He now has the delicate task of keeping that sensitive balance down on the side of the forces of order in Ireland.

The appeal to the voters went out, it will be recalled, because the antagonists of the Government—Eamonn De Valera, the old chief of the Sinn Féin republican extremists, now head of the slightly more reasonable Fianna Fail faction, and Tom Johnson, leader of the Labor Party—had secured as many seats as the Government in the lower chamber of the national Parliament. To redress this dangerous situation in the Dail Eireann, President Cosgrave determined upon general elections. The outcome resulted in weakening the Labor Party, strengthening the De Valera faction, and improving the position of the Government, but leaving it still anything but secure. This showed how much Ireland continues to be ruled by the sentiment of enmity to England and how little by the sense of actual welfare.

President Cosgrave himself has said in a recent interview: "Is it necessary to antagonize England in order to display a national spirit? England is our best customer." Yet Agitator De Valera, going out and making irresponsible pledges to the voters and hinting at independence of Great Britain, was able to come perilously close to upsetting the Government that has gained for Irishmen the only freedom and real economic advancement they have known for seven centuries.

The influence De Valera now commands in the Dail Eireann will test his practical statesmanship. He can use it constantly to embarrass the Government and keep President Cosgrave and his associates from carrying on their constructive work. Or he can use it to teach his followers the better way of seeking their objectives through cooperation with the executives of the Free State in every plan for the improvement of life in Ireland.

Americans have a concern in the course of affairs in Ireland, both because many good citizens of the United States are of Irish origin or descent and because the cause of Irish self-rule has always enlisted naturally a large degree of American sympathy. And if Ireland should get into difficulties with Great Britain again, it would not fail to react upon American politics as it did formerly—and particularly upon relations with the British Commonwealth. Any trouble in Ireland is fought out partly here in the United States. Because good relations between Great Britain and the United States are of cardinal importance to both countries, peace and prosperity and as high a degree of contentment as the Celtic temperament will permit are desirable for their effect on Anglo-American understanding.

When the Irish signed a treaty of amity with the English and the Free State came into being, many Americans breathed a sigh of relief. They would be deeply disturbed now to see the new system in Ireland upset. So they will hope that De Valera and his adherents may see how much better is an arrangement that is working and holding out the hope of better things—even if it is not all that Irish republicans may desire—than a theoretically ideal arrangement which really means ruinous conflict and bloodshed.

Boswell the Incomparable

SOME have called Boswell an incomparable fool (Gray said, "Any fool may write a valuable book by chance"), but that he wrote an incomparable biography is undeniable. Few indeed read his "Tour of the Hebrides" or his "Life of Paoli," but to know Boswell's Johnson is part of a liberal education. It is true also that few now read Samuel Johnson's writings; but we all know Johnson as if we had just met him around the corner. "Who threw this Scotch cur at Johnson's heels?" said some one. "He is not a cur," retorted Goldsmith, "he is a bur . . . he has the faculty of sticking."

Goldsmith's remark shows only a part of Boswell's nature. Boswell was not all sycophant; he stood up to the Great Bear in argument sometimes; he discriminated between Johnson in earnest and Johnson growling in ursine humor; he was a marvel as a verbal reporter and a depicter of manners and personal peculiarities; his "Common Place Books" show that in his "Life" he followed his notes closely.

If unpublished letters and casual writings of Shakespeare were found, the literary and bibliographical world would go wild. The recent find of such literary remains of Boswell are far less important, and yet of exceeding interest. Collectors must almost tear their hair at learning that the only reason that the manuscript of Boswell's Johnson is not to-day in the market—unique, priceless—is that Boswell's descendants did not take care of it, and it is in a hopeless condition except for perhaps twenty pages. This indifference is quite in line with the feeling of Boswell's immediate relatives, who were not at all proud of Boswell's attendance on Johnson and his curious fame therefrom. The descendants have kept as a memento the ebony case in which the manuscripts were found; America has the contents.

The treasures newly acquired by an

American collector of rare books, Colonel Ralph Isham, are in this country and will be retained intact by their owner, but will be edited and published.

Included among the papers are the original "Account of Corsica;" letters from Burns, Goldsmith, Rousseau, Voltaire, and Pitt, and letters written by James Boswell himself; Boswell's proposal to his Peggy and her reply; and many other things of high literary interest to all Johnsonians and Boswellians. Just how much of the newly acquired

material has never heretofore appeared in any form it is impossible to state before a full authorized description is published.

Perhaps the new interest in the old, favorite biography will lead some of those who have an idea that it is dull and musty to pick it up and read a bit here and there. It is true that, like "Hamlet," it is full of "quotations," and for the same reason, but it is a treasure-house of jest and retort, wisdom and whimsicality, humor and character.

On the Importance of Being an Ambassador

By LAWRENCE F. ABBOTT

Contributing Editor of The Outlook

THE office of ambassador is one of the most important and difficult in the structure of modern governments. In fact, the office is so modern that its power for good or evil is yet hardly realized by the great mass of citizens. The ancients had no conception of a resident representative in a foreign country, and so the word ambassador has no classical derivation. It is of mediaeval creation, and down to very recent times the function of a foreign ambassador was something like that of an aristocratic and high-class spy whose duty it was to promote the interests of his royal master and to damage as much as he could the plots and plans of the kingdom to which he was sent. The French philosopher Bayle, whom Dr. Johnson regarded as the soundest political critic of his time, said that the first article of the political creed of ambassadors, whatever may be their religious creed, is to concoct lies and persuade society to believe them. Even as late as Bismarck this was the generally accepted doctrine in European foreign relations, and led the great German Chancellor to remark that the surest way for a diplomatist to conceal his intentions was to tell the truth about them, for nobody would believe he was telling the truth.

In one of the numerous delightful and efficacious speeches which that prince of envoys, Joseph H. Choate, made in England when he was Ambassador to the Court of St. James's he alluded to the old school of diplomacy in paying a tribute to the foreign policies framed in Downing Street, the place of the official residence of the British Prime Ministers. What Mr. Choate said on that occasion, the annual Lord Mayor's banquet of the year 1900, is worth quoting in some fullness not only because it is apropos to my

subject but because at the time it excited much interest on both sides of the water:

Downing Street, if it may be called a street at all—which I somewhat doubt—is altogether an American street, and, however the representatives of other nations may feel, we are entirely at home there. [Laughter and cheers.] I will show you how it is an American street, and how it derives its origin and its history from the earliest periods of the English colonies in America. I doubt whether many within sound of my voice know why it is called Downing Street. Now at the school which I had the good fortune to attend . . . in Massachusetts [the Boston Latin School] . . . over the archway of the entrance there were inscribed the words *Schola publica prima*—the first school organized in Massachusetts—and underneath was inscribed the name of George Downing, the first pupil of that school. Then in Harvard College we find him, a graduate of that institution in the first year that it sent any youths into the world, the year 1642. He soon found his way to England. He became the chaplain of Colonel Oakey's army under Cromwell, and he soon began to display the most extraordinary faculties in the art of diplomacy of any man of his day. It was the old diplomacy. [Laughter.] It was not anything like the new diplomacy that Lord Salisbury and the Foreign Ministers here present practice. It was the old kind. Downing developed a wonderful mastery of the art of hoodwinking, in which that kind of diplomacy chiefly consisted. In the first place, he hoodwinked Cromwell himself, which showed he was a very astute young man. [Laughter.] . . . He hoodwinked the Rump . . . and when the restoration came, he practiced his wily arts upon the merry Monarch . . . three great tri-

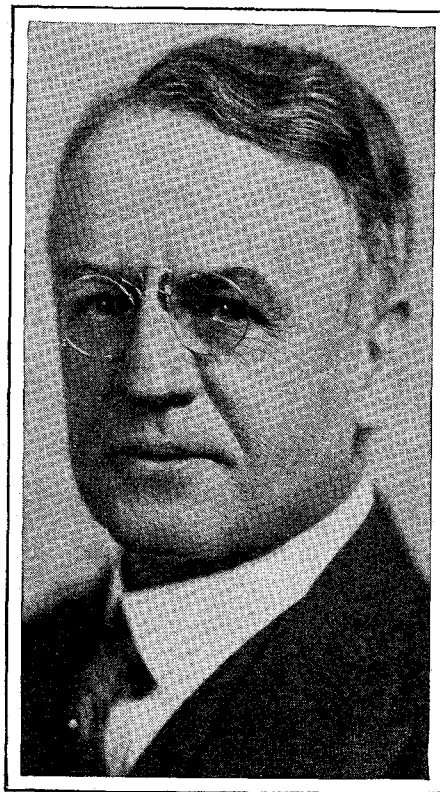
umphs in diplomacy—all by one man.

In the natural course of things Downing would have been haled to Tyburn and hanged by the neck until dead, but he won his way into the favor of King Charles by claiming that the King must forgive his past backslidings because of the vicious principles he had sucked in in his early New England education. [Laughter.] Finally he died, and by his will he devised his mansion and estates and farm at Westminster to his children, and now they are gone, leaving no rack behind except a little bit of ground one hundred yards long and twenty yards wide, sometimes narrowing to ten, which bears still his illustrious name. It is the smallest, and at the same time the greatest, street in the world because it lies at the hub of the gigantic wheel which encircles the globe under the name of the British Empire. . . . I have heard it called a *cul de sac*—a place where you can get in but cannot get out. How, however, other nations may find it, we Americans, by reason of our prescriptive rights in the premises, find it to be a thoroughfare. [Laughter.] We feel entirely at home in it. Our feet are on our native heath. We can go in and go out, and give and take on equal terms.

Whatever may have been the diplomatic morals of the Anglo-American Downing in the seventeenth century, at the opening of the nineteenth century the ideas of the ambassadorial function—at least in Anglo-American relations—began to undergo a radical change. It gradually dawned both on the official and the popular mind that the real work of an ambassador is to promote the mutual friendship and welfare of the two countries with which he is officially related. Americans may modestly congratulate themselves that their representatives have had no small part in effecting this change of attitude. Among the distinguished names on this ambassadorial roll of honor are those of John Jay, Edward Everett, Charles Francis Adams, James Russell Lowell, Edward J. Phelps, Joseph H. Choate, and Walter Hines Page. Two of these saved us from the imminent danger of war with Great Britain—Adams, by his famous note to Earl Russell during the Civil War, in which he said, referring to the building of ironclads for the Confederacy in an English shipyard, "It would be superfluous for me to point out to your lordship that this is war;" and Page, by suggesting to Sir Edward Grey that a French cruiser instead of a British cruiser be despatched to capture the American contraband steamer *Dacia*, thus calming

American irritation with Great Britain, which was at the breaking-point.

Ambassadors do not often have international problems of this magnitude to solve. Their duties are largely social. But the important influence of social tact on international relations is proved



Wide World

Dwight W. Morrow, who has just been appointed Ambassador to Mexico

conclusively, if it needed any proof, by the historic achievement of Colonel Lindbergh in France. Lord Cromer, one of the great diplomatists of modern times, in discussing the social aspect of ambassadorial functions employs the following entertaining anecdote to illustrate the qualifications demanded of an ideal ambassador:

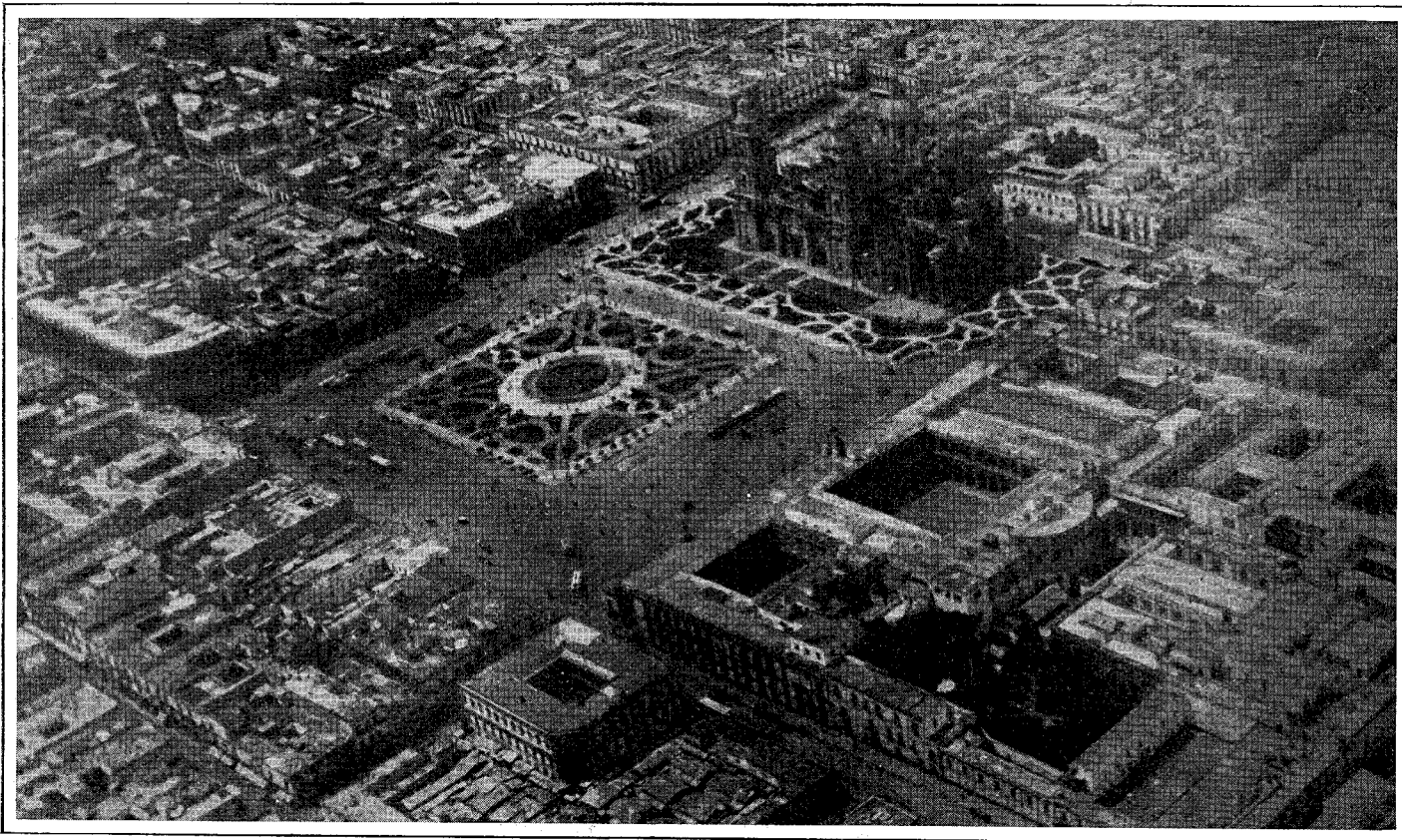
It is related that a lady once asked Madame de Staël to recommend a tutor for her boy. She described the sort of man she wished to find. He was to be a gentleman with perfect manners and a thorough knowledge of the world; it was essential that he should be a classical scholar and an accomplished linguist; he was to exercise supreme authority over his pupil, and at the same time he was to show such a degree of tact that his authority was to be unfelt; in fact, he was to possess every moral attribute and intellectual faculty which it is possible to depict, and, lastly, he was to place all these qualities at the service of Madame de Staël's friend *for a very low salary*. The witty Frenchwoman listened with attention to her friend's list of indispensable qualifications and eventually replied: *Ma chère, je comprends parfaitement bien le caractère*

de l'homme qu'il vous faut, mais je dois vous dire que si je le trouve, je l'épouse. [My dear, I know exactly the kind of man you are looking for, but I think I ought to tell you that if I find him I shall marry him!]

England—for Lord Cromer was speaking of the English diplomatic service—is not the only country that expects to get ideal ambassadors "at a very low salary." We have been and still are parsimonious in this respect. Our first, and probably most famous, ambassador to England, Benjamin Franklin (I am using the term ambassador in its generic sense of legate, representative, commissioner, envoy), paid a large part of his necessary expenses out of his own pocket, and so have all his successors. Dr. Andrew D. White, one of the best of our Ambassadors to Germany, said about twenty years ago that his office cost him nearly twenty thousand dollars annually in addition to his salary, and he was not a rich man nor did he entertain socially beyond the actual requirements to maintain the dignity of his office. What, then, the American people—or, at least, those who are public-spirited enough to think about it at all—desire in their ambassadorial representatives is a combination of wisdom, learning, tact, a high sense of public and private honor, a knowledge of political problems, and some private means to maintain the dignity of the office.

Judged by these qualifications, the latest ambassadorial appointment is an eminently good and satisfactory one. Mr. Dwight Morrow, who has just been appointed Ambassador to Mexico to succeed Mr. Sheffield, meets the requirements in a peculiarly happy fashion. President Coolidge and Mr. Morrow were classmates at Amherst in the class of 1895. Mr. Coolidge knows, more intimately probably than any other man, that Mr. Morrow's prime interest and motive in life is public and civic service, and not private gain. The fact that he has been for thirteen years a partner in the firm of Messrs. J. P. Morgan & Co., from which he has now resigned, is of no significance whatever except in two respects which have a direct bearing on his new office—he has had thirteen years of notable experience in dealing with men and affairs and with international problems of both economics and politics; and he has presumably acquired sufficient means so that he can perform his ambassadorial duties without fear or favor or without any anxiety about their effect on his private welfare.

This is excellent so far as it goes, but it is not enough. An ambassador must



Wide World

The heart of Mexico City as it appears from the air

have some personal gifts and qualities as well as economic freedom. Does Mr. Morrow meet this test? Those who know him believe that he does.

The new Ambassador was born in West Virginia fifty-four years ago. His parents, or he himself, I do not know which, chose a small New England college for his education, and ever since he has been a believer that the small college has a special function in the scheme of education. Culture is a much-abused and therefore a somewhat unpleasant word, but I think that Mr. Morrow subscribes to Matthew Arnold's definition of culture as "knowing the best that has been thought and said in the world." The small college cannot give a technical education; it cannot maintain great research laboratories; but it can promote the Matthew Arnold kind of culture better, perhaps, than the big university. It was the little college of William and Mary that produced John Marshall and Dartmouth that developed Daniel Webster. All that the small college needs for this purpose is a well-chosen library and a few teachers of sound scholarship, wholesome critical judgment, human sympathies, and enthusiasm. As a trustee of Amherst Mr. Morrow has been a leader in the movement to make the American small college a center of this kind of intellectual life. At heart I should say that he is not primarily financier or industrialist, but an intellectual liberal, believing that the future of the United States depends upon how it

nurtures and sustains its intellectual life. With a few rare exceptions, like Abraham Lincoln, national history has been made by intellectuals—Plato and Aristotle in Greece, Henry VIII and Oliver Cromwell in England, Cavour and Mazzini in Italy, and our own great Revolutionary group, which included John Adams, Thomas Jefferson, James Madison, John Marshall, and Alexander Hamilton, are names that come to mind.

I remember dining and spending the evening, a few years ago, at Mr. Morrow's home with a group of men, some of them distinguished men of affairs, whom he had asked to meet an Oxford professor on a visit to this country. The professor's visit had been made on Mr. Morrow's invitation for the purpose of delivering a series of lectures in his specialty—Greek literature, if I remember correctly—at Amherst. What gave the evening special interest was that the professor, quiet, cultivated, and charming, was the son of a coal miner and a member of the radical wing of the Labor Party. In England they are not afraid of having radicals in their universities or rich men in their Government. The trouble with us is that so many of our radicals are of half-baked culture and so many of our rich men have a slight intellectual background.

After graduating from Amherst Mr. Morrow got his technical education at the Columbia Law School and practiced his profession for ten years before entering banking. The Distinguished Ser-

vice Medal was conferred upon him by General Pershing in 1919 for his work in connection with military shipping and supplies. It appears, therefore, that he is familiar with not only the theory but the practice of international law and relations.

There is one other thing of interest to be noted in connection with the appointment of the new Ambassador to Mexico. Mr. Morrow's older brother, Colonel Jay J. Morrow, a graduate of West Point in 1891, was Engineer of Maintenance, Acting Governor, and Governor of the Panama Canal from 1916 to 1924 except when serving in the World War. Thus a talent for administrative work seems to be a family trait.

It is intimated by the daily press that there may be some opposition in the Senate to the confirmation of Mr. Morrow's appointment on account of his former connection with Messrs. J. P. Morgan & Co. If there are any Senators who are sincerely anxious on this account, they may take courage by remembering that Robert Bacon, a partner of J. P. Morgan, was appointed Secretary of State by President Roosevelt and Ambassador to France by President Taft, and the Republic still lives!

Mr. Morrow is the type of man we need in our political administration, and I, for one, hope that his acceptance of the President's appointment is the beginning of a public career as useful and disinterested as his private career has been.

What's Wrong With the Ring?

An Interview by Dixon Merritt

With JAMES J. CORBETT

SOLDIERS' FIELD had folded itself around the mightiest mass of men and women ever drawn at one time to one sporting event on this continent. Gene Tunney for the skill of it, and Jack Dempsey for the kill of it—and for a million and a half of dollars, more or less—were shortly to meet in the center of that square marked off by silken ropes, 20 X 20, and fight with their fists until one or the other of them should be confirmed as the champion pugilist of the world, until the crown should settle firmly on the head of Tunney or flit back to the head of Dempsey, still welted from wearing it until a year before.

Soldiers' Field, on the windy lake front of Chicago, had seated its hundred and fifty thousand. Away to the north, two blocks away at the least, lay dim and mottled masses, like mud flats in a river fog—the multiplied thousands who sat in the cheap seats, so far away that they could neither see nor hear, so far away that many of them actually never knew the result of the big fight until they went back to town and read it in the papers. Even the forty-dollar seats, ringside, sprawled broadly as a prairie corn-field. The banked tiers down the sides of the field looked, in the scramble of blaze and shade, like two great cities on distant mountain-sides, lights glowing in the windows of half the houses, some of them always going out, others always coming on—the matches struck to light a hundred thousand cigars and cigarettes.

"Look at it well, my boy. It's a sight that you never will see again—the biggest crowd that a prize-fight ever drew, and the biggest that a prize-fight will ever draw."

THE voice was the voice of James J. Corbett, "Gentleman Jim," former world's champion pugilist, always and forever the world's beau ideal of the boxer—the man who introduced boxing to the prize ring. The man who, with his head and his feet—and some help from his slender hands—put the killer Sullivan to sleep in the twenty-first round. The man who stood in front of the mauling, pile-driver fists of Peter Jackson, the Negro, for sixty-one rounds. The man who did the dance of the fro-

ONE hundred and forty thousand people gathered from all over the country to see two men fight are an arresting phenomenon in our history. Prize-fighting in America is becoming a business run for profit. A member of The Outlook staff gives here the views of one of the best-known champion pugilists on the question, "Can fights be fixed?" This is his picture of the prize ring seen from inside the ropes.

—THE EDITORS.



Wide World

"Gentleman Jim"

icsome fay around the brawny bulk of Jake Kilrain and boxed him into a stupor.

There he sat, "Gentleman Jim." Sixty. Clean and slim, almost, as when he gave a new meaning to the name of the box-stall in his father's livery stable. No cauliflower ear, no flattened nose, no scarred lip, no slightest mark upon him anywhere of all his hard-fought battles in the days when, but for him, bruising was the rule of the ring. He was a bank-teller once, this Corbett. And as he sat there, flashing his rapier wit as once he flashed his fists, you might have thought that he had gone on in that career until he was president of the biggest bank in the land—except, perhaps, that his eyes were too sympathetic for the eyes of a banker. "Gentleman Jim," as he waited through the preliminaries, making prophecy of the future.

"Prize-fighting is at its peak so far as crowds and gate receipts and purses are concerned. The game will develop, yes—but in other ways. This is the biggest."

He did not say "Thank God," but he looked it.

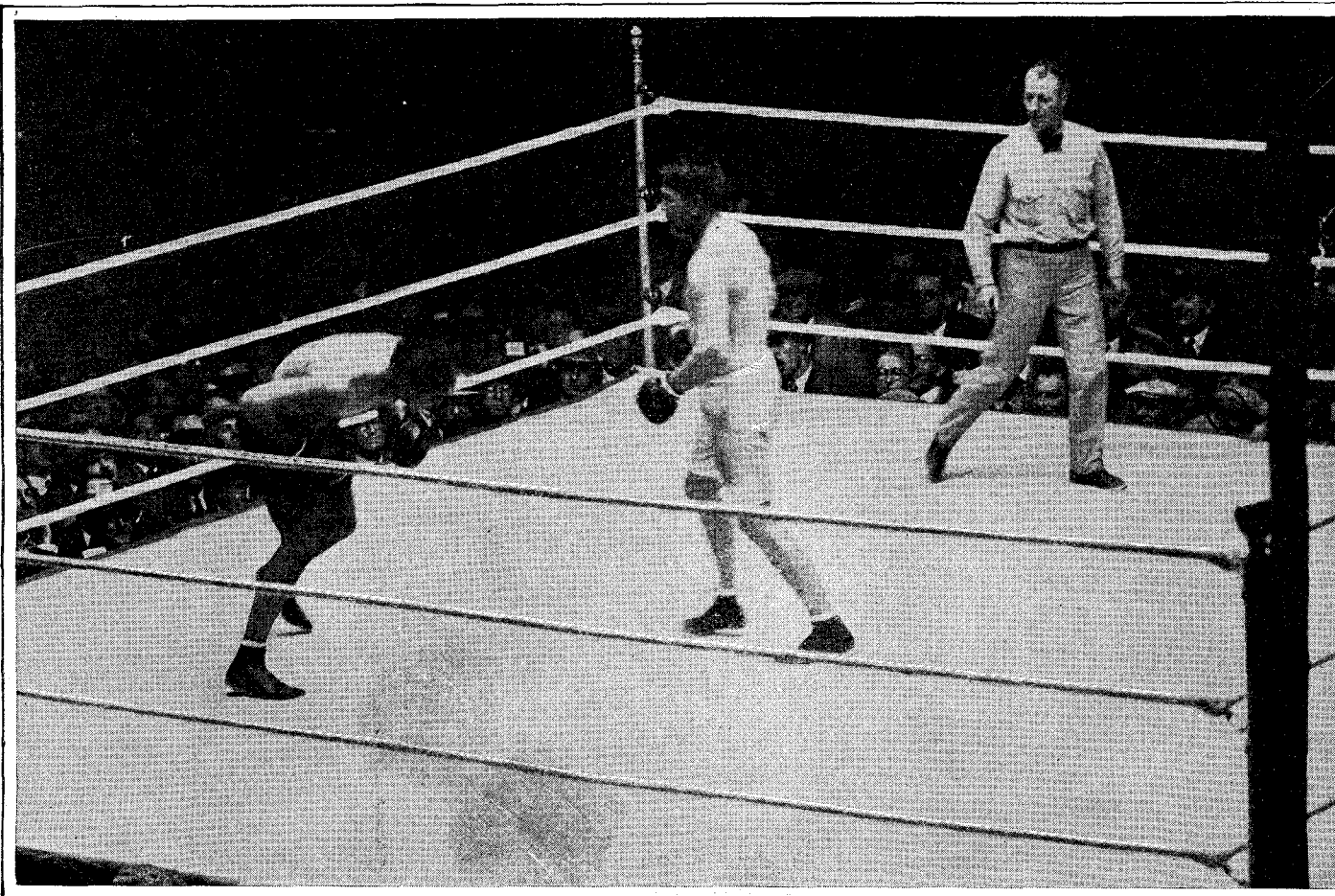
"How? Who can tell? It's so different from what it was in my day. So much bigger and—yes, so much better in many ways."

"Better? But is it honest? Honestly, is prize-fighting honest?" "Gentleman Jim" did not hesitate.

It's terribly hard for anything with as much money in it as there is in prize-fighting to-day to be honest—especially for a sporting, gambling proposition such as prize-fighting is. I don't know of anything dishonest that has been done—I wouldn't. But I know the temptations that honesty has to meet.

"If a fight is crooked, the two fighters do not have to be in on it. I doubt if they can be in on it and get away with it. But the referee. He's a poor man, usually; his earnings for a year are not a fractional part of what the short-end fighter gets for an evening's work. A few thousand dollars—or a few hundred thousands, maybe—is a temptation.

"The referee might not always be able to control the result, but he can do a great deal to affect it. In the one par-



Wide World

Characteristic fighting attitudes of Dempsey (left) and Tunney (center)

ticular of breaking the fighters when they clinch he can do more to help one and to hurt the other than the average spectator can understand—perhaps more than any man can understand unless he has been in the ring himself.

"But that's not the worst of it. There are in effect three referees—a referee and two judges. The decision is reached by majority vote. Nobody knows who voted one way or the other. That is never announced. Nobody is directly and solely responsible.

"There ought not to be any judges in a prize-fight. The whole responsibility ought to be on the shoulders of the referee. Then everybody would know that he was responsible for what was done and public opinion would hold him accountable for it. When there are three and nobody knows how they voted, anything, good or bad, just goes without being questioned very much."

SOMEbody asked Corbett for a prophecy of more immediate consequence: Who was going to win the big fight just ahead? Again the father of modern, scientific boxing did not hesitate.

"Tunney ought to win. He's a master of boxing. And there is a lot more power in his punch than people believe."

Now "Gentleman Jim" was on a subject near to his heart. He was the first boxing champion, and, unless the queer

genius of Bob Fitzsimmons is excepted, the last—until Tunney jolted the crown from Dempsey's head at the Sesquicentennial a year ago. In a sense, Tunney is Corbett's son in the faith.

"Gentleman Jim" said that Gene ought to win, not that he would win. Then he went on—impersonally, it seemed:

"The men who control boxing do everything they can to cultivate the slugger and to stop the clever man. They don't try to develop scientific men. That goes for the boxing commissioners.

"What do they do to make it hard for the clever man? Lots of things.

"A ring should be twenty-four feet square. That gives a chance to the man who has footwork.

"But they deliberately change the rules to suit themselves. Many times they stage bouts in sixteen, eighteen, twenty foot rings. That robs the clever man of his chance, of his footwork. One jump back—he's against the ropes. He is forced to stand up and slug.

"Many times a man who does not know the first rules of boxing can, if he is big and strong, win the decision over a man vastly his superior. That's due to the system which is encouraged.

"If the bout is fairly even, they nearly always give it to the aggressor. Now who is going to be the aggressor but the big slugger? Naturally, he is the aggressor.

Naturally, the clever boxer is using his feet, keeping out of the way of the wallops. But the decision goes to the aggressor.

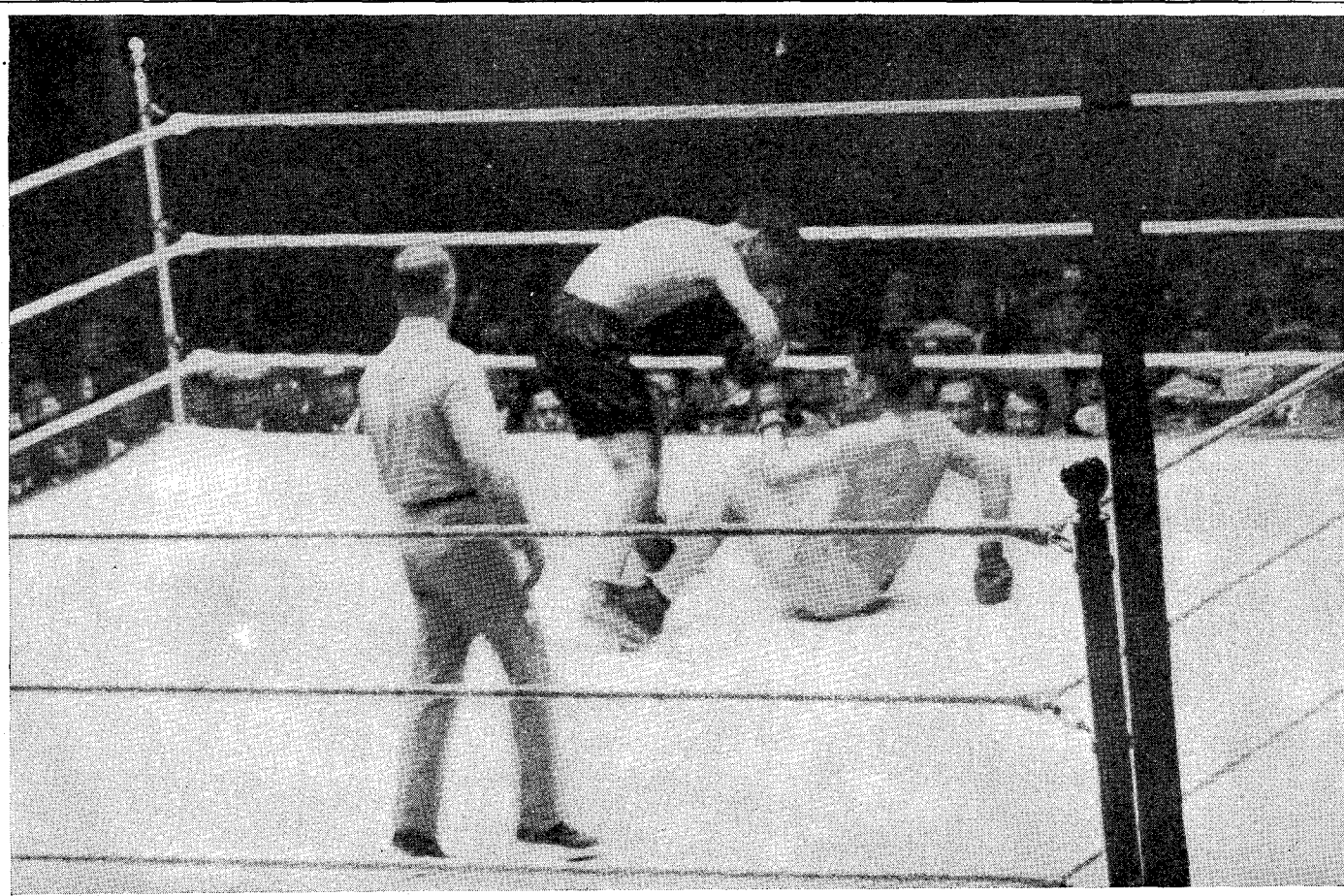
"That is a very bad thing. The decision should be given on points, on style, on generalship. If a man is being rushed but can't be hit, he deserves credit for not being hit.

"How can you develop a scientific fighter when they give him the worst of it every time he starts?

"Now, you were asking about the possibility of a fight's being fixed between the fighters themselves. Honestly, I don't believe it can be done. One of them may know that it has been fixed, that he is to win whether he wins or not. But the two of them conniving in a fixed fight—no.

"When the men themselves cook up something, it shows on the surface. Oh, it has been done once in a while, but it is detected without any trouble. Prize-fighters are not good enough actors to get by with it. When it has been attempted, the fight has usually been stopped and thrown out. That is not the way fights are fixed—if they are fixed."

THE talk came back to Jack and Gene, to things that might affect the fight immediately ahead. Why was there such insistence that Dempsey be



Acme

A down that did not last a second—when Tunney slipped

required to put his bandages on in the ring? Said "Gentleman Jim:"

"Bandages are important things—very important. Gibson, Tunney's manager, insists that Dempsey has sometimes put some stuff, practically a cement, on his bandages. I don't know. But you see what such a thing would mean—bandages that would get harder the longer they stayed on, until the man could beat on an iron post, practically without feeling it.

"Has such a thing ever been done? Oh, yes. It's an old trick. Kid McCoy made it famous. Or it made him famous—or otherwise.

"Dempsey has been putting his bandages on in his dressing-room.

"It should be made an absolute rule of the game that all bandages must be put on in the ring, in the sight of the spectators."

A buzz as of innumerable bee swarms swept the towering tiers. A hush. A roar. Silence again. All the lights went out in all the houses of the cities on the mountain-sides. They were coming on for the big bout, the contestants and other celebrities. Big Jim Jeffries, ex-champion, was there. Sharkey, close contender for championship honors, was there.

A call came for Corbett. He smiled his thanks, and shook his head. He was to see a boxer fight. His principles—

and his heart—were in the ring. Why should he parade before the footlights?

THE ten rounds of the Tunney-Dempsey fight is a tale a thousand times told. This is all that matters here:

The slugger—"Dempsey of the fighting heart"—got home with the best that he had, got home with his mightiest blow, the blow that pulverized Willard and Firpo and all the rest. The boxer took it full on the jaw, all of it, and another one behind it. He went to the floor—and came up at the count of nine the same cool, consummate ring general that he had been at the beginning of the bout. Came up and won by the exercise of that which "Gentleman Jim" calls cleverness, which some have called the supremacy of brain over brawn.

"Gentleman Jim" had won; in a sense, he was champion of the world again. His principles, as embodied in Tunney, had for the second time triumphed over the slugging idol of the "fighting heart."

Was "Gentleman Jim" elated? All that he said was this: "I'm sorry for Dempsey. I know how it feels—know but cannot express it—to lose a championship fight."

Those who are old enough may remember that when he won the championship of the world his first expression was one of sorrow for Sullivan, lying there on the boards.

BUT "Gentleman Jim" was elated, too, on Soldiers' Field. He was delighted with the orderliness of the big crowd, the way in which the fight was handled. Nobody could have any complaint, or any suspicions, he said. His prophecies were optimistic now. Thus:

"Boxing is better off than it ever was, if it can be kept there.

"When I fought, women would not go to a fight. Now the best people go.

"Boxing is not a brutal sport. Blood? Yes, but nobody is hurt much when you see blood—only a mashed nose or a cut lip. The blows that really hurt the spectator never knows.

"Remember this: Boxing is the fairest sport of all. A man knocked down must get up of his own free will, unassisted. He can end the fight any time he wants to. There's not half as much punishment in boxing as there may be in football.

"The fight fans cheer when a man is down, yes. But I heard a football crowd cheer when a player was taken off the field—might have had his back broken, a thing that could not happen in a prize-fight. Yes, they cheer when a man is down. It's very sad, that part of all games.

"But the boxing game is better than it used to be. Whether it goes on getting better—that's all up to the boxing commissions."

Europe in the Air

A Challenge to America

By MELVIN K. WHITELEATHER

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Springfield, Missouri

DURING the year 1926 no fewer than 150,000 people in Europe mounted the movable stairways which lead to airplane cabins with much less fear in their hearts than they would have had if the commissionaires had been carrying their baggage into trans-continental railway trains.

These Europeans have taken to the air, and from the constant change in figures, which indicates a rapidly increasing traffic, it seems that they intend to keep on doing their traveling where the air is fresh and where there is no danger of the switchmen going to sleep at their posts.

As far as the European attitude toward aviation in the United States goes, there is a change of face noticeable. They are wondering on this side of the Atlantic why it is that, with airplane motors being produced in America which will fly across the dividing ocean with apparent ease, passenger lines in the United States are in their infancy. The discovery in such a dramatic fashion of America's potential power is causing the change of attitude. The smiles are beginning to fade. The Continental edition of the London "Daily Mail," the

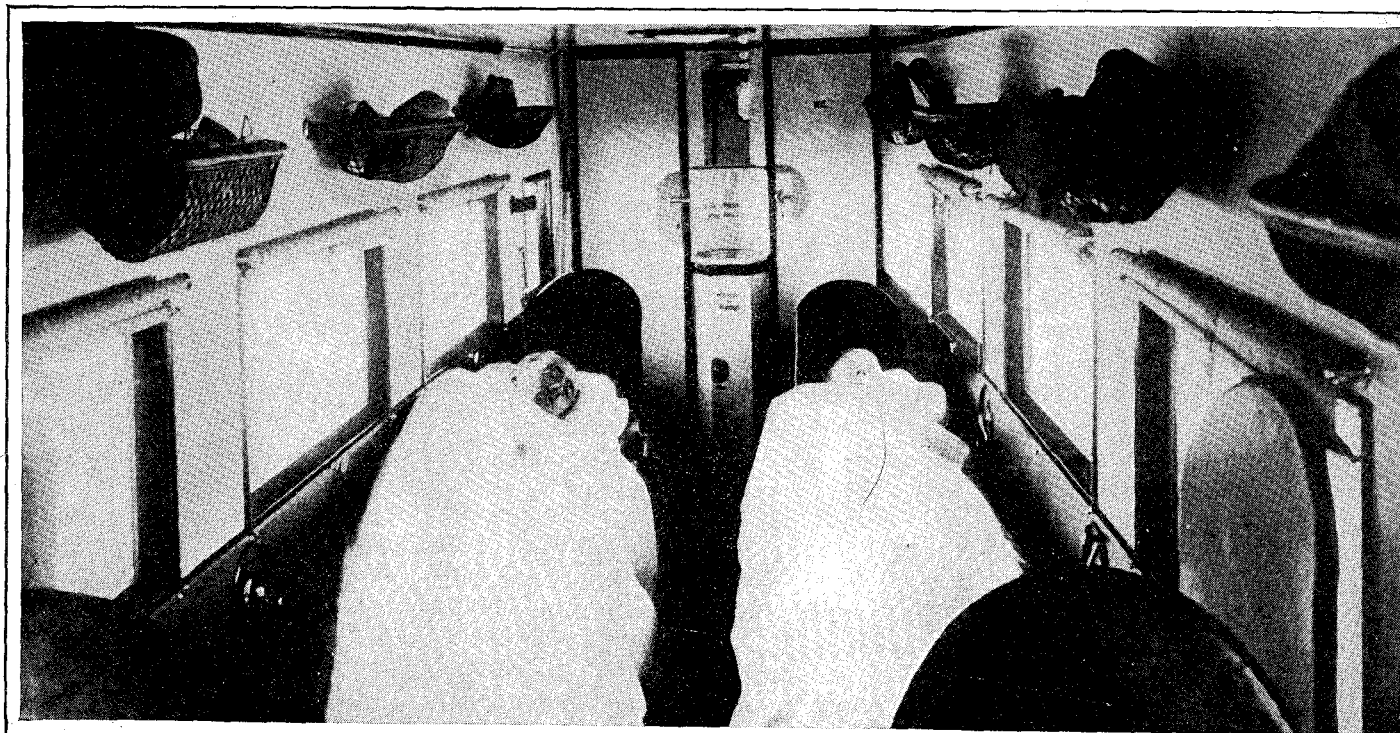
THOUGH the United States is the only nation whose aviators have succeeded in making a non-stop flight to Europe, commercially we are far behind Europe in aviation. Walter Hinton's article in last week's Outlook made flying seem a simple operation and aviation an established art. Yet until we can boast of a record comparable to Europe's figures of 150,000 passengers carried over commercial air lines last year, of regular air service between all the main centers, and even dining and sleeping accommodations on planes, we have a great distance to go. —THE EDITORS.

Chicago "Tribune" of Great Britain, was among the first to recognize what the great transatlantic flights of Lindbergh, Chamberlin, and Byrd means to Europe. It calls the exploits of these

men a "real threat" to Europe and insists that the air chiefs of England and the Continent convene immediately to devise means of combating "this new school of aviation which has arisen in the West."

THE reason for the remarkable development of aviation in Europe has been the state subsidies, and the reason for the lack of development in the United States has been the absence of these governmental liberalities. Air routes pierce every point of the Continent and England, and there are a few in Africa. Every one of the large concerns is subsidized. Elation over the progress in Europe was changed to alarm as soon as Byrd brought over his shipload of men. Lindbergh, flying alone, gave little concern. But then came Chamberlin with one passenger, and then Byrd with three men.

Europe's superiority in commercial aviation now has a potential challenge, but it will be some time before there are 150,000 passengers carried in one year over lines in the United States, before tourist agencies are able to book seats in airplanes just as they book them in rail-



Underwood & Underwood

AN AERIAL PULLMAN

The interior of the first sleeping-car airplane, which travels between Berlin and Croydon



Underwood & Underwood

THE LATEST IMPROVEMENT IN AVIATION

This Paris-to-London air liner is equipped with a bar and a bartender

way trains. There is not a large tourist agency in Europe which does not have a separate department for air travel.

At the beginning of January of this year there were thirty-three passenger air line companies, covering approximately 25,000 miles. In France there were four companies: the Air Union, with lines from Paris to London, from Paris to Marseilles by way of Lyons, from Lyons to Geneva, and from Marseilles to Ajaccio; the Compagnie Internationale de Navigation Aérienne, with lines from Paris to Constantinople by way of Strasbourg, Nuremberg, Prague, Vienna, Budapest, and Belgrade (a distance of 2,711 miles), and from Prague to Warsaw by way of Breslau; the Société Générale de Transport Aérienne, the Farman line, with routes from Paris to Amsterdam by way of Brussels and from Paris to Berlin by way of Cologne and Essen; the Compagnie Générale

d'Enterprises Aeronautiques, with lines from Toulouse to Casablanca (a distance of 1,114 miles), Casablanca to Dakar (a distance of 1,770 miles), from Marseilles to Perignan, from Oran to Alicante, and from Casablanca to Oran. The Air Union line has 35 planes in use, and the Compagnie Générale d'Enterprises Aeronautiques has 122 air and sea planes. On the day this article was written the Air Union announced that a complete dining-car plane was to be placed in operation between Paris and London in the near future.

The heaviest traffic on the French lines is between Paris and London. The Air Union, which competes on this route with the English company, Imperial Airways, Ltd., carried 2,876 passengers in 1926, 2,347 of whom flew to and from Paris and London. The union planes flew 894,037 kilometers. The Compagnie Générale line carried 1,570 pas-

sengers in flights covering 2,469,329 kilometers.

On practically all the lines a daily schedule is maintained, except during the bad weather of the winter months. Between London and Paris there are three planes daily, and often it is necessary to send along a "trailer" to accommodate the customers on rush days. This is despite the fact that the Imperial Airways also maintains a similar service and also is forced to use reserve planes on occasions.

A line operating between France and Algeria carried 6,592 passengers last year.

THE Germans are the fellows who are making the most rapid progress. In Germany, as well as in England, there has been a consolidation of air lines. As a result, there is but one line of any importance in each country. In Germany it is the Deutsche Luft Hansa, the largest air line company in the world. It operates more than fifty different lines to various parts of Europe, has 120 planes in constant service, and maintains a reserve force of between 300 and 400 planes. It established the first sleeping-car service for air passengers over a year ago, when it started the Albatros off for London from Tempelhof airdrome, Berlin, loaded with tired passengers. The Albatros has eight leather chairs, which are made into berths.

The German lines carried more than 56,000 passengers during 1926 and kept their regular summer schedule ninety per cent of the time.

The Imperial Airways, Ltd., has its own way in England. Besides its principal route from Croydon airdrome, London, to Le Bourget, Paris, its lines run from London to Zurich by way of Paris and Basle; from Southampton to Guernsey; from London to Berlin by way of Ostend, Amsterdam, and Hanover; from London to Cologne by way of Brussels; from Cairo to Karachi by way of eleven cities, a distance of 2,536 miles.

Mussolini has established four lines which radiate from Rome.

Why has the Old World taken to the air?

Government subsidies would have to be stopped if no traffic were developed. The answer seems to lie in the following record of the Airways Company. In seven years this company and its predecessors carried 75,000 people over more than 5,000,000 miles, with but *four* accidents which resulted in death. No railway company can present a better

(Continued on page 158)

One Man Beats 150

Donald R. Richberg, of Chicago, and His Fight in the Greatest Lawsuit of Our Times—The Railroad Valuation and Rate Case

By HUGH RUSSELL FRASER

ONE man, quiet, deliberate, grim-faced, against one hundred and fifty expert lawyers, won the first encounter in the greatest legal fight of our time.

The field of conflict was the chamber of the Interstate Commerce Commission, and the issue at stake was the basis on which the railroads of the United States shall be valued for the purpose of fixing rates.

Directly in front of the Commission bench was a long table.

On one side of this table, touching elbows, man by man, row by row, sat the one hundred and fifty or more counsel for the railroads and public utility corporations.

On the other side of the table sat that one man—Donald R. Richberg, of Chicago. He was there to speak for the people and the National Conference on Railroad Valuation, a Nation-wide organization of shippers, public officials, and representatives of the public at large. And he was enough to carry the day.

TECHNICALLY, it was the case of the Government of the United States against the St. Louis and O'Fallon Railroad, a little nine-mile coal-bearing road outside of St. Louis, argued before the Interstate Commerce Commission for the purpose of securing excess earnings of the railroad. Actually, however, the issue at stake was more far-reaching than that. It was the deep-rooted question that has puzzled Congress, the railroads, and the people for twenty years: Shall the railroads and public utilities of the United States be allowed to charge rates based on what it cost originally to produce their properties, or shall rates be charged and earnings made on the basis of what it would cost to reproduce their properties at present-day prices?

The victory that lone attorney gained was not final. The fight must be carried to the Supreme Court. And the verdict to be handed down then will profoundly affect the economic life of the American people. It will turn a new page in American history and—more significant still—it will establish the first basic economic interpretation of the Constitution of the United States.

A LITTLE coal-bearing railroad nine miles long was the storm center of a lawsuit affecting every railroad in the country. In the first hearing of this lawsuit, described in the accompanying article, the railroad won over the Interstate Commerce Commission.

On October 5, the date when this issue of *The Outlook* is published, the case will come up again, this time before the Court of Appeals. It remains to be seen whether the feelings of the people, which were so strongly demonstrated during the first hearing, will once more prevail over the rulings of the Government.

—THE EDITORS.

WHAT the case involves to-day is as nothing to what it will involve to-morrow. Now it concerns an investment of some \$20,000,000,000—a sum greater than the total wealth of the Japanese Empire, greater than the total of the National debt, and more than the original cost of building all the railroads in the United States. But, in a larger sense, the case involves more than that: it involves the market price of all commodities bought and sold in the country. Scarcely anything can be said to be exempt from the after-effects of the decision.

A verdict is inevitable by the Supreme Court, for in perfectly legal form the case will come to it on appeal from the Interstate Commerce Commission.

The railroad and public utility corporations say that, in view of the decreased value of the dollar, they should be allowed to charge rates and make earnings based, not on the "original cost" of production, but on what it would cost to reproduce their properties at present-day prices. This is called the "reproduction new" theory.

Opposing this contention of the railroads and denying its validity is the

National Conference on Railroad Valuation, an organization composed of shippers, public officials, and representatives of the public generally. They say that the only fair basis for earnings and rates is the amount of the original investment, plus improvements that the railroads have put into their properties. This is known as the "original cost" or "prudent investment" theory.

This is the view of Senator Norris, of Nebraska, Chairman of the National Conference on Railroad Valuation and its representative in the Senate.

Should the railroads win, they will be permitted to raise rates to the tune of some \$800,000,000 or \$1,000,000,000 yearly. Should they lose, they will be obliged to turn enormous sums of money in excess earnings back to the Government, a procedure which they allege will impair the credit of the railroads and lessen the efficiency of their service to the public.

The ultimate verdict, therefore, is vital. It will not only affect the price of everything bought and sold in the country, but, should the railroads win, automatically boost the cost of living.

To understand the specific nature of the case of the St. Louis and O'Fallon Railroad, which is to be appealed to the Supreme Court, we must go back to the Transportation Act of 1920. According to the terms of that Act, all railroads making earnings in excess of 6 per cent on their original investment value were required to turn the excess earnings over to the Government to be used to help less prosperous railroads. The Government had never sought to test this provision of the Act until over a year ago last July. Then it brought suit against the St. Louis and O'Fallon Railroad, claiming that the road had made excess earnings for the years 1921, 1922, 1923, of \$226,000 under an "original cost" property valuation of \$850,000. This the road denied, contending that the "reproduction new" theory was the true theory of railroad valuation, and on that basis the valuation was nearly double \$850,000. Accordingly, the road argued that it owed the Government nothing, since its earnings on that basis were not even the 6

per cent allowed them by the Government.

The railroad company was apparently on sound legal ground in taking this position. On no less than six different occasions the Supreme Court of the United States had upheld the "reproduction new" theory in test cases brought by public utility corporations, such as the Indianapolis Water Company, the Consolidated Gas Company, the Bluefield Water Company, and others.

On the other hand, the railroad company was making the somewhat risky assumption that the "reproduction new" theory, which the Supreme Court had upheld in the case of public utility corporations, would likewise be upheld in the case of a valuation of a railroad. This question has never yet been tested. In the hope of obtaining a favorable ruling on it, the great railroads of the United States have united forces with the little nine-mile St. Louis and O'Fallon Railroad.

The Supreme Court, however, realizing the far-reaching import of the matter, has so far avoided a decision. A ruling was expected when the Los Angeles and Salt Lake Railroad case came to it recently on appeal from the Interstate Commerce Commission. The Los Angeles and Salt Lake road appealed on the ground that the Commerce Commission had allotted to it traffic rates based on the "original cost" or "prudent investment" theory, and not on the "reproduction new" basis. The Supreme Court, however, declared that it could not consider the merits of the case unless the railroad claimed some specific injury, and that this had not been clearly shown. But in the case of the St. Louis and O'Fallon Railroad the Court will not be able to put off the all-important verdict, as the latter road will no doubt claim a specific injury.

In making the decision the Court will find itself in a singular position: if it upholds the Interstate Commerce Commission decision of last March, that "original cost," and not "reproduction new," is the true basis of railroad valuation, then the Supreme Court must reverse itself so far as its public utility verdicts are concerned.

THE drama of the case, in its final scene, will not be less than at the original hearing before the Interstate Commerce Commission a year ago last July. There the true issues of the case were revealed: Richberg for the public against one hundred and fifty shrewd trained attorneys for the corporations. He sat alone. The regular representative of the Government, the Chief Counsel to the Commission, was somewhere in

the room, but for this particular case he had begged to be excused.

The court-room was called to order. "Set for argument this morning," rumbled the chairman, "is Finance Docket



John J. Esch, Chairman of the Interstate Commerce Commission

3908, excess income of the St. Louis and O'Fallon Railway. Proceed."

The first speaker was for the railroads—Edgar E. Clark, formerly Chairman of the Commission, and now special counsel for the railroads. His manner was solemn and ponderous. He admonished the members of the Commission that the principles and administration of law involved in the case were of profound magnitude. He did not, however, go into the theory of "reproduction new." Apparently, he was leaving that to his colleagues, contenting himself with the duty of impressing on the Commission the solemnity of their task.

Next came W. G. Brantley, rate counsel for the Eastern railroads. He began cordially: "I am glad indeed this morning to be among so many of your good friends to appear before you. While our brother Clark, who just concluded, did not so identify himself, yet I am quite sure that you recognize that he, too, belongs to the happy family of the friends of the Commission." He concluded by declaring finally that the railroads would not be satisfied with anything less than the full cost of "reproduction" as the basis of rates and earnings.

Brantley's successor was Leslie Craven, rate counsel for the Western railroads. He strode heavily up and down the length of the bench and in im-

posing tones warned the Commission of the consequences should they fail to sustain the "reproduction new" theory. He went on to cite how time and time again State and Federal courts had overruled the decisions of State Commerce Commissions which had upheld the validity of the "original cost" or "prudent investment" theory. He was impressive. His string of legal precedents was likewise impressive.

After him came lesser lights of the legal counsel, following him in rapid succession—each lawyer pointing out some new phase of the "reproduction new" theory. For two days the barrage fire of denunciation of the "original cost" theory kept up.

FINALLY, however, the big guns ceased and all eyes turned to Richberg to see what he had to say, what he could say. No one seemed to believe he had a chance. What could one man do against one hundred and fifty?

Even one of the Commissioners, when the railroads had closed their case, inquired, somewhat ironically:

"And whom do you represent, Mr. Richberg?"

Instantly came the reply in short, terse syllables:

Sir, my clients may be listed as two great interests. The railroads are public highways and the public pays the bills that support them. I am here representing a considerable fraction of that public, including several great States and cities.

A second great interest are the employees of the railroads. They furnish the actual service. They keep the railroads going. And I represent practically all of those employees.

There is a third interest, however—the owners of the railroads—and others have spoken here as representing them. But I thought it ought to be well understood at the outset that you are not now listening to an opponent of the railroads, but that you are listening to one properly accredited as the representative of two interests in them that are greater, even, than ownership.

The young Chicago lawyer was speaking slowly and deliberately. He was in no hurry. No one was to follow him. He had all afternoon for his argument. So he set about his work methodically. First of all, he disabused the Commission's mind of the idea stressed by the railroad attorneys that, since the courts leaned towards the "reproduction new" theory, therefore that constituted a precedent for the Interstate Commerce Commission to do likewise.

With short, incisive words he exploded this notion:

This Commission does not sit here

to listen with reverent ears to hear the courts tell it what its duty is. The Commission goes to the words of the Congress of the United States, and tries to do its duty according to that law.

Long ago—before the spell of the legal argument was woven—the courts declared that the regulation of all public utilities was a legislative function, and that if injustice were done, recourse was to the polls and not to the courts. The utilities now, however, have succeeded in weaning the courts away somewhat from that early dictum, but it is nevertheless as sound to-day as when uttered by Justice Waite in 1872.

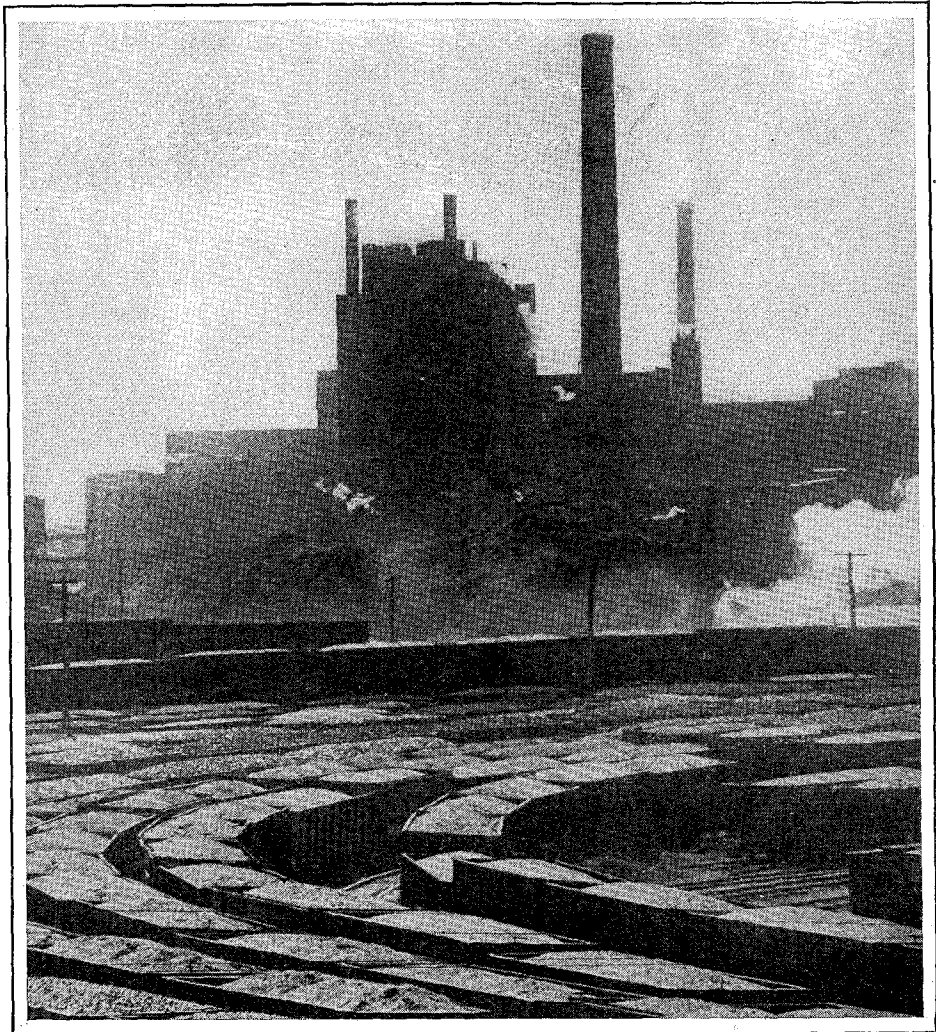
The three arms of our liberal Government—legislative, executive, and judicial—were endowed by the people with equal and independent strength. Is it the problem of the Supreme Court to determine what the railroads shall earn? It is not. It is the duty of this administrative body, imposed upon it by the legislative. Let the Court tell you, if it chooses, that you have misused your authority or misinterpreted your responsibility, but then let the consequence rest on the Court. If the courts undertake to legislate by judicial fiat, then the courts will have become tyrannical, and you, at least, may defend yourselves to the people that you have endeavored to safeguard their interests.

Certainly it is proper for the Commission to seek light from the courts. But it is wholly inappropriate for this Commission, representing the legislative power, to go to the courts for light on questions of public policy.

And the courts themselves have so held time and time again. If you have here a question of public policy, social and economic issues of justice and injustice, submitted to you, the source of your public policy is the legislative power which created you, and not the courts. Declare yourselves!

THE challenge was dramatic. It sent ringing into the ears of the Commissioners a call to be themselves, to hold themselves erect and independent as representatives of the legislative powers of the Government. This was the intent of Congress, he declared, and of the statute that created the Commission.

Richberg then assailed the concept of "property rights," as raised by the opposing attorneys, as a mere juggling of words. He pointed out to the Commissioners that property—all property—was a bundle of rights created by the legislative power of the people and subject to modification by the people, even to confiscation by the same legislative authority. The one Constitutional provision that must be fulfilled, he added,



FREIGHT RATES AND YOUR COAL BILLS

Do you want to pay freight charges that are based on what it cost to build this railroad originally or what it would cost to reproduce it now?

however, is that such confiscation must be by due process of law—else, he pointed out,

prohibition would be confiscation without due process of law. No one will deny that great property rights were destroyed by prohibition. Likewise the emancipation of the slaves confiscated the property of the Southern landowner—that is, if these railroad gentlemen are to be accepted in their interpretation of the law.

The fact is that every time a legislature moves it destroys or enhances the value of property. The right of the railroads in property exists subject to the public welfare. They cannot with immunity threaten that public welfare as they do here with this theory of reproduction—a game of guessing.

This basic, succinct, and yet comprehensive exposition of the political-legal character of property impressed the Commission and prepared the way for Richberg's final attack on the argument of the railroads regarding the "decreasing value of the dollar." The opposing attorneys had stressed this argument as the basis of the plea for the "reproduction new" theory of railroad valuation. "Why," they said, "should the rail-

roads be forced to charge rates and make earnings based on the dollars originally invested in the property when those dollars have since declined one-third or one-half in value?"

THE proposition is imposing. No wonder the State and Federal courts listened to it with a good deal of respect, and that the Supreme Court went so far as to uphold it in the case of six different public utilities. But the sledge-hammer blows of Richberg's simple, homely logic shattered this bog of the railroads. In beginning his attack on it, however, Richberg admits its "impressive" character:

It is an argument that, until plumbed, persuades the casual citizen and frequently snares a court. It is in effect that the dollars which the railroads have invested have declined in purchasing power and that hence their invested dollar should be made \$1.50 or more to represent its present purchasing power.

The argument is most plausible. It appeals to the average man, the salary-earner of war times who knew that, though he was paid the same number of dollars as before the war, yet that, measuring that dollar by its

purchasing power, his salary had been cut.

But there is both injustice and fallacy in the railroad claim. Quite a simple illustration will suffice:

Smith and Jones are neighbors. Jones owns his own house; Smith does not. Smith wants to buy his house—say, in 1914. Jones is wealthy and, in neighborliness, lends Smith \$10,000 and tells him he will not have to pay him until 1924. So, when 1924 rolls around, Smith comes to Jones and repays him exactly \$10,000.

But—and here is the basic point—the dollars Jones gave to Smith in 1914 were worth more to Jones in purchasing power than the same dollars he receives from Smith in 1924. What, then, does he do? Does he go to court and demand that Smith repay him \$15,000? Of course not. He takes the \$10,000 and the debt is wiped off.

And the railroads, in attempting to shoulder the public with the “reproduction new” valuation, are doing precisely what Jones would have tried to do had he tried to compel Smith to pay \$15,000 for the original \$10,000.

Richberg then entered into a comparison of the public attitude of two great transportation agencies—the automobile and the railroads. The automobile, he said, stands as the symbol of competition; the railroads, of monopoly.

“No one values a motor car at the cost of ‘reproducing’ it,” he said.

To imagine that is to imagine an intellectual monstrosity. Yet the utilities are asking just that—reproduction of the existing plant, not of a plant designed to embody the progress of the art or a plant better adapted to serve a community whose needs have shifted since the plant actually was built.

It is the people who have given to utilities the right to serve exclusively in their respective fields. Yet by “reproduction new” the utilities are seeking to capitalize the people’s gift against themselves. The Government is now turning its air mail over to private contractors. Say the price is \$1.25 a pound. Suppose that five years hence a contractor should say: “I can no longer carry the mail at \$1.25 per pound. Prices of airplanes have gone up. If I reproduced my air-fleet at present prices, I would have to charge more. Therefore I must have more for my services.”

Would the Government comply with this demand and boost the rate per pound for carrying air mail on the basis of what it would cost the contractor “to reproduce” his fleet of airplanes? It would not. It would call in another airplane company, and turn over the contract to it.

The theory of “reproduction new”

is the only method the utilities have been able to devise to obtain an excessive profit. It creates the highest possible earning power, whereas the fundamental purpose of public control is to limit earning power to a reasonable compensation. It represents the highest possible amount of money that the public utilities could earn. If this were not so, then any one could step in, reproduce the plant, and take the business.

On the other hand, if the public were furnishing its own railroad service, it would charge rates based on the original \$15,000,000,000 that may have gone into their construction and maintenance. But the roads now seek to affix rates on nearly three times that original investment.

Despite the heavy odds against him, the Commerce Commission—genuinely impressed by Richberg’s arguments—determined by a 6-to-4 decision last spring, not only that the St. Louis and O’Fallon Railroad had no case in court, but that the “original cost” or “prudent investment” theory is the true basis of railroad valuation.

RICHBERG’S victory was complete—as far as the Commission was concerned. The case now goes this week to a three-judge Court of Appeals in Kansas City. From there it will be taken, sooner or later, to the Supreme Court, for which it was originally intended.

This much about it is certain: Richberg will not be under the disadvantage of appearing alone again against such overwhelming odds. The Interstate Commerce Commission has appointed a special prosecutor, Walter Fisher, Secretary of the Interior under President Taft, to represent the Commission, while Richberg will represent the National Conference on Railroad Valuation, founded by the late Senator La Follette, of which Senator Norris is now Chairman.

At the next session of Congress, according to Mr. Richberg, Senator Norris is contemplating the introduction of a bill to make the “original cost” or “prudent investment” theory mandatory as the basis of railroad valuation, rates, and earnings. The bill will have little likelihood of immediate passage, the Chicago lawyer admits, but it will at least help to arouse public opinion to the importance of the case.

“Then,” according to Richberg, “in the face of any unmistakable expression of public opinion, it is inconceivable that the Supreme Court would make a flat declaration in favor of ‘reproduction new.’”

But, whatever that decision proves to be, it is going to have a tremendous effect on American economic life. In dollars and cents, profit and losses, it will be a momentous issue.

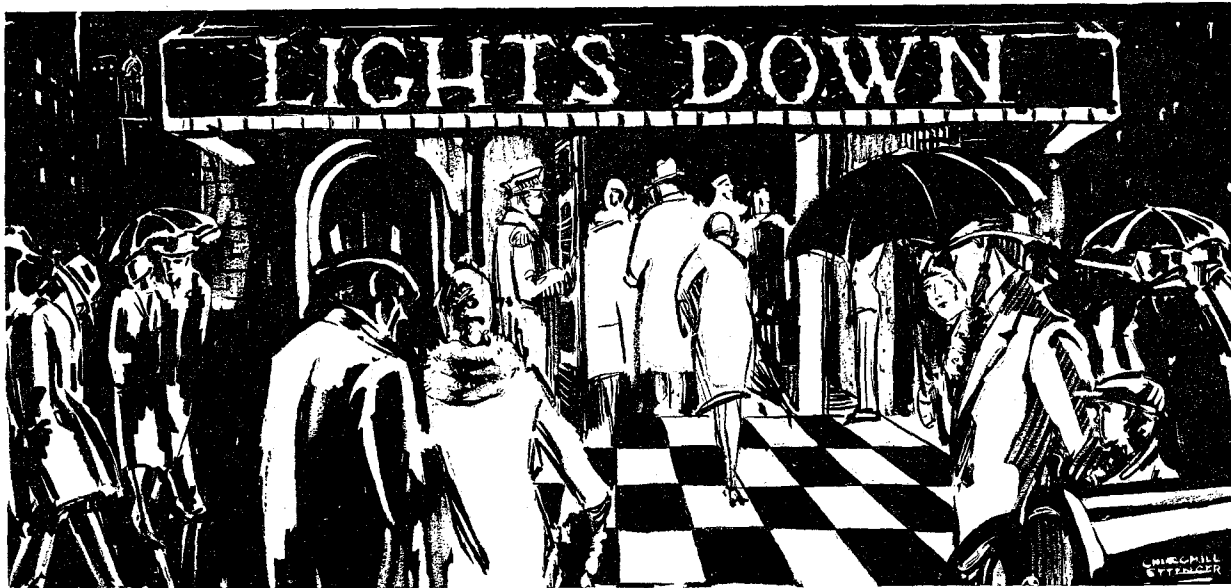
So far victory rests with Richberg. He is not unaccustomed to victories, however. All his life has been spent in public utility fights, and this is his greatest achievement. His is an interesting personality.

Born in Chicago forty-six years ago, he was graduated from the University of Chicago and the Harvard Law School, and quickly went into public utility battles. His first achievement was made at the age of thirty-four, when he was appointed attorney for a non-partisan commission selected by Mayor William Hale Thompson to collect a refund of \$10,000,000 from the local gas company in Chicago, which Thompson and the people claimed as a refund on exorbitant illegal gas rates. Richberg entered the fight with such vigor that in a comparatively short time a verdict for a refund of \$10,000,000 was obtained in the lower courts. The company, however, appealed the case higher, and now it is resting in the State Supreme Court. Richberg’s fight, however, obtained for the gas consumers of Chicago a reduction of 15 cents per thousand cubic feet—in itself no little achievement.

But the major victories he has obtained are more remarkable still. First, he broke and demolished the labor injunctions secured by Attorney-General Daugherty under the Harding Administration. Second, he established, by unanimous decision of the Supreme Court, the right of any citizen cited for contempt of a picketing injunction to a trial by jury. Third, he effected the virtual destruction of the Railroad Labor Board, which had reduced the wages of the railway brotherhoods by some \$300,000,000. He persuaded the Supreme Court to decide that the Labor Board had no power to compel testimony before it, and, robbed of its authority, it rapidly fell into decay.

Besides his public utility achievements, Richberg is the author of his Alma Mater’s song and of three novels, and is a frequent contributor of verse to the magazines. One of his novels is especially significant. It is the story of a young attorney who, for the sake of his ideals, defies the courts and thereby falls into destruction.

Only a lawyer with a passionate zeal for justice could have written this remarkable story. But it is typical of the man who single-handed fought the greatest lawsuit of our day successfully.



A Review of the Theater
By FRANCIS RUFUS BELLAMY

TO return to New York in the fall is to be reminded all over again of the brilliance and glamour and dream that blossoms after nightfall behind the footlights of our sixty-odd theaters along Broadway. Music, romance, drama; the pageant of beauty and color; the struggle of motive against motive before the pasteboard sets—all reminds one that another theatrical season has begun.

One theater lobby presents a contrast. Here, just west of Broadway, the sign "Supreme Court of New York" hangs above a crowd that pushes in past policemen in uniform, to stare at a stage upon which the curtain has not been lowered. A drab court-room, deserted except for cleaning-women and an occasional detective or policeman reading his paper, stares somberly back at the rustling audience.

The case of "The People *versus* Mary Dugan" is awaiting trial.

The court-room fills with curious spectators as slowly as the theater. Interpreters, attendants, reporters, attorneys, witnesses, drift in. Papers litter the tables. From the barred passageway at the left a beautiful young woman is brought in, to sit in the defendant's seat.

"Oyez! Order in the court!"

The black-robed judge takes his seat, while the crowd stands. "Order in the court!" The sound of the gavel; the preliminary announcements, the prosecuting attorney, the lawyer for the defense. The trial of Mary Dugan, charged with murder in the first degree, is about to begin.

Only one thing holds it up—the necessity for passing sentence upon Pauline Aguerro, ignorant Italian woman pre-

viously convicted of murder in this same room. To dispose of this Pauline is brought before the judge. In measured tones, the judge passes the sentence. Pauline Aguerro shall die. The People will take her life. Pauline stands impassive, staring up, her shawl clutched about her peasant figure. Seemingly, the sentence means nothing to her—until the interpreter springs up. Pauline, it appears, does not understand English. He will interpret.

Instantly a scream fills the courtroom; hysterics, horror—and Pauline is dragged out like a wild beast, tearing and clutching at her captor, leaving in the heart of every spectator the poignant, horrible realization of what conviction for murder, in the State of New York, means.

Out of the hushed realization begins the trial of Mary Dugan. . . .

THUS cleverly has Bayard Veiller, of "Within the Law" and "The Thirteenth Chair" fame, caught the attention of his audiences for his latest bid for Broadway's favor, "The Trial of Mary Dugan," as expert and thrilling a melodramatic mystery play as New York has seen in many months.

The question it poses is simple: Did Mary Dugan, "Follies" girl, kill Edgar Rice, stabbed in her apartment, in the small hours of the morning? Witness after witness gives circumstantial evidence which tends inevitably to show that she did—detectives, policemen, chorus girls, doctor, elevator-boy, the dead man's black-dressed widow. Cross-examination by her counsel (the reproduction, theatrically speaking, of a genuine court trial is complete) fails essentially to shake their stories.

Traditional sympathy for the widow protects Mrs. Rice from cross-examination. The character of Mary Dugan's relations with Edgar Rice shuts out hope of any jury being impressed with her story on the stand. It seems to the spectator a drab, hopeless case for the defendant's counsel to try to win—one that presents a blank wall to any one seeking for an assassin other than the "Follies" girl; one that must soon come to a dreadful conclusion. It is lightened only by the unconscious humor of several of the witnesses.

At this point the playwright comes to the rescue—and with as telling a stroke as a dramatist could wish for. Into the court-room bursts Mary Dugan's brother, a young California lawyer, who knows nothing of his sister's life, of the realities in her past; who has only an overwhelming belief in her innocence, and no experience. He has never tried a case in court.

Five minutes are sufficient for him to realize that Mary's defense, as conducted by Edward West, will not save her from the electric chair. Dramatically, he intervenes, protests against the conduct of the case, dismisses defense counsel, and himself, with no knowledge of the facts concerning Mary or the murder itself, becomes her attorney.

Before him is the same blank wall the spectators have gradually visualized. To break it down he has only his overwhelming belief in his sister's innocence, his brain, and his imagination. Otherwise, only the same facts, the same witnesses—and behind it all, somewhere, the truth. In a touchingly honest and youthful appeal to the jury to help him find the real facts he lays bare to them his helplessness, his frightful problem,

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and his conviction. He asks them to be his aids, not his judges.

And the solving of the mystery is on.

To disclose here what that solution is would be to rob future audiences of much of the suspense and interest of the play.

The outstanding fact is that Bayard Veiller has condensed into dramatic form, in a playing time of two and a half hours, the entire procedure of a murder trial which would normally cover weeks and fill dozens of pages of news print. He has touched the high lights with so sure a brush that, while only the necessary scenes and facts are presented, the effect of reality—dramatic reality—remains. He has almost completely succeeded in not cheating the spectator on vital facts necessary to solving the mystery. And he has achieved a breathless suspense that makes his audience forget the lack of action, the sameness of scene, and, for the last two acts, the absence of humor.

No one can see this play without realizing the chameleon-like character of facts, the utter unreliability of human testimony, and the immense part played by the intelligence and imagination of lawyers. It unquestionably leaves an uncomfortable conviction of the danger involved in any group of human beings judging one of their kind. Yet it does this solely in a melodramatic yet ingenious way.

For Mr. Veiller has frankly written a mystery play.

In the course of it he has, incidentally, turned inside out the Victorian tradition of the virtue of the bereft widow and the stigma that falls upon the woman who robs her of her husband. But he has done this presumably because such procedure heightens his mystery, and not from any conviction of a changed ethic. Securing sympathy for his heroine, indeed, is not Mr. Veiller's main objective in this drama. He has aimed merely, if this diagnosis is correct, in providing the vast number of people who read the murder cases in the papers—and who doesn't?—an opportunity to go to the theater and find precisely what they might find in a real court-room, minus the endless waits, the crowds, and the unpleasant details of the real thing.

Mary Dugan is a human being, frail and imperfect like all of us, hunted down and all but killed by the People on circumstantial evidence much like that of many a similar trial in actual life. Perhaps the tricks necessary to the thea-

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ter are employed—this is true—but in the main nothing at all incredible is done or left undone. The result is that a conviction of actuality is left with the spectator, and a genuine respect for Mr. Veiller's ability to do intellectual stunts. Certainly, only an expert in the art of playwriting could have written the cross-examination scenes in this play.

All this is tantamount to saying that Mr. Veiller has in no sense written a great human play. Wisely enough, he has stuck to his last, in devoting his attention to extracting the last ounce of suspense from his plot and then bringing down the curtain upon the sudden solution of the mystery. He has, in most cases, merely indicated the characters, or drawn them superficially. The result is an excellent mystery melodrama, but no great human matter.

Ann Harding, as Mary Dugan, succeeded in drawing few tears from this spectator, mainly because of this fact. If the play were a play of character and genuine human emotions, the scene where Mary Dugan is forced to tell the truth—that she has lived for money with many men, to educate the brother who is now acting as her lawyer,

(Continued on page 158)

The Book Table

Edited by EDMUND PEARSON

Is Pleasure Old-Fashioned?

IS it a literary crime for a reader to wish to get pleasure out of a novel? One might think so from the scorn poured on sentimentalists and happy-end fans by the disciples of James Joyce, and of the new school of fiction generally. Yet there are many—and not of the mental caliber of those who in the old days devoured "Bertha, the Poor Sewing-Girl," "St. Elmo," and the like—who prefer enjoyment to anguish or sex psychology. That is why some good stories scoffed at by your ultra-modern critic, or passed by with a patronizing and indulgent smile, do get in the ranks of the best-sellers.

Take William J. Locke, for instance. He writes so much and so fast that he has lost the note of distinction that marked his "Morals of Marcus Ordeyne" and his "Beloved Vagabond." Of late years he has been writing for the masses, and not the critics. Yet his books are well worth while, and for a good reason—they still have, though in less degree, the whimsical touch which had its extreme success in "Septimus;" they have every-day humor and character; the situation and story interest carry on increasingly. You do not rise to the heights with Locke, but he never really lets you down. His new book, "The Kingdom of Theophilus," opens rather dully with a prim and pedantic civil servant and his ambitious and humorless wife. But when a fortune is thrust upon him, and he has to deal with men and women of the world—a suave swindler and ex-jail-bird for one, and a fine, large-hearted, generous, sophisticated girl for another—Theophilus develops into a quaint and credulous but positive person, a man like other men, susceptible to love and the joy of life. The reader follows Theophilus with thorough enjoyment and smiles with him when he breaks bounds, renounces his burdensome wealth and starts out to have his own way, make his own romance, and lead his own life. So we have a full-bodied story and are not ashamed to enjoy it heartily.

Susan Ertz probably reached her highest point as a fiction writer in her "Madame Claire," a delightful story which no one should fail to read. But her new book comes near to it in clever observation and in crisp dialogue. The author knows New York so intimately that she seems to be American until she takes her Americans to England, and then you know that she is English. Almost alone among English novelists she makes Americans talk like Americans—and not like those weird creatures invented by Mrs. Trollope and handed down on the stage and in fiction to our time. In "Now East, Now West" one cannot feel great sympathy for Althea, who lures her husband to England to live, and in her ambition to reach social heights there gives her George a most trying time. We rejoice when she misses her aim, but doubt whether George has a very good chance of happiness even after Althea's chastened return to her native soil. There is satire in the story but no bitterness, and the reading is distinctly a pleasure.

Dale Collins dismays the anti-Victorian critics at the outset by calling his novel "The Sentimentalists." But there is precious little of the old-time school of sentimental fiction here, even though the bad man of the tale sentimentiously asserts, "We are all sentimentalists at heart, my friend; the greater the blackguard, the greater the

sentimentalist." The chief sentimentalist of the story is a fat, coarse, profane brute of a sea captain. The object of his tenderness is a baby boy who drifts in a canoe against his ship. Captain Abel's coadjutor in sentimentalism is a young lady with a peculiar past to whose latent mother love the Captain appeals, so that she comes to the vessel in the capacity of nurse and future governess. This is an odd situation, but is by no means the only odd thing in the story, which has also a fair amount of what the Captain himself calls "language." Queer though it be, the story moves, and it has other qualities than sentimentality—notably some brilliant yet realistic pictures of East Indian seas and shores. Readers with fastidious verbal susceptibilities will find it coarse, but those who can like Falstaff will like Captain Abel. Theories of sentimentalism apart, the book's reading certainly gives pleasure.

For those readers who despise pleasure in novel-reading we can heartily recommend Nathalie S. Colby's "Black Stream." There is not a smile in it—a pang on every page might almost be guaranteed. Do not misunderstand; it is an able book—so able that it hurts. The satire bites. Social ambition, vanity, selfishness, disregard of parents by children and of husbands by wives—all that is mean and grasping and shallow—are painted ruthlessly, and in that ejaculatory, staccato fashion that some new writers regard as the acme of English style. To balance it we have one fine man and one fine woman, and they are presented as sentimentally as they might have been by the now despised old-school novelists. Able, yes; enjoyable, no!

R. D. TOWNSEND.

them, a suspicion which gains strength when he is detected Anglicizing *le mot de Cambronne*. His Mordance Hall bears no more relation to reality than did the House of Usher or Wuthering Heights, and it probably is no part of his intention that it should, in spite of the fact that the mansion is represented as standing fifteen miles from the Edgewater Ferry! The novel is too odd a mixture of music, astronomy, psychology, and diabolism to make any clear-cut impression of horror, but it is undoubtedly the most remarkable production that ever emerged from a Connecticut jail, where most of it was written. It should also be said that it has to its credit many passages of undeniable beauty.



THE EXILE. By Mary Johnston. Little, Brown & Co., Boston. \$2.50.

Any novel by Mary Johnston deserves respectful consideration, a claim not lessened when it is evident, as it is in "The Exile," that she is seeking expression for some of her highest hopes and dearest dreams for humanity. The tale is one of imagination and prophecy. It deals with an imaginary island in a future period; with reincarnation; with a political exile of noble soul; and the dawn, after another great war and a subsequent "Era of Dictators," of a new age when "the world is one. All its parts are becoming spiritual and interpenetrate;" when oceans, continents, and islands no longer forget or misunderstand one another. High thoughts and lofty visions, but difficult stuff to embody satisfactorily in the form of fiction. It is not surprising that Miss Johnston cannot be said to have attained success.



Law

THE SANCTITY OF LAW. WHEREIN DOES IT CONSIST? By John W. Burgess. Ginn & Co., New York. \$3.

Professor Burgess has evolved from his vast store of knowledge a survey of world politics from the days of Constantine to date, but without recalling anything that has to do with his topic. His aim seems to be to assail the motives of the Allies in combining against Germany and to prove the establishment of war-time despotism in the United States. Though opposed to the "so-called League of Nations," he still regards it of "the highest importance in the present period of the world's civilization as a European institution rather than as a world institution," with its greatest problem "to furnish an antidote to the Balkanizing (or further Balkanizing) of Europe produced by the recent general war and the settlements following thereon."

The author indulges in some extraordinary reflections on President Lincoln's Emancipation Proclamation as exposing the homes in border and Southern States to "the ravages of the brutes and savages of the black race," when it is a matter of established record that not one single outrage on the part of the emancipated occurred during the whole time between the issuance of the Proclamation and Appomattox.

Little less amazing is Professor Burgess's theory—based on a statement credited to Mrs. Jefferson Davis—that but for the German volunteers on the Union side the South would have won. Our getting into

Books Reviewed in this Issue

The Kingdom of Theophilus. By William J. Locke.

Now East, Now West. By Susan Ertz.

The Sentimentalists. By Dale Collins.

Black Stream. By Nathalie S. Colby.

The Dark Chamber. By Leonard Cline.

The Exile. By Mary Johnston.

The Sanctity of Law. Wherein Does It Consist? By John W. Burgess.

Gay Neck. The Story of a Pigeon. By Dhan Gopal Mukerji.

The Long Pass. By Ralph Henry Barbour.

"Ballads for Sale." By Amy Lowell.

Patriots Off Their Pedestals. By Paul Wiltach.

Alfred E. Smith. A Critical Study. By Henry F. Pringle.

Fiction

THE DARK CHAMBER. By Leonard Cline. The Viking Press, New York. \$2.

"The Dark Chamber" is a nightmare fable decorated with mosaics of strange words, of which "barghest," "venust," and "shilpit," encountered in the first twenty pages, are not the least unfamiliar. One suspects Mr. Cline of inventing some of



Roosevelt and the Caribbean

By Howard C. Hill

The *Boston Transcript* comments, "We have Professor Hill to thank for a most interesting glimpse of our ex-President. . . . He does not hammer away at his conclusions; he presents them gently. . . . He invites us to strike a compromise, and therefore proves himself a most gracious gentleman, quite unlike any of his kind in the past or present. In his book we find for the student, an essay; for the interested reader, a narrative; for everyone, a striking portrait penned upon a background of living detail." \$2.50

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the World War was due to the coming into power of a Southern Democratic Administration, which then took vengeance on Germany for what people of her race had done to support the Union cause fifty-six years before!



Children's Books

GAY-NECK. *The Story of a Pigeon.* By Dhan Gopal Mukerji. E. P. Dutton & Co., New York. \$2.25.

This is the odyssey of Gay-Neck, the most beautiful of all the 40,000 pigeons inhabiting the roof-tops of a town in India. It is told in part by Gay-Neck's youthful owner, and partly by means of "the grammar of fancy and the dictionary of imagination," when the pigeon himself is the narrator. And this pigeon is no ordinary descendant of the great dodo who now flaunts his extinct charms only in museums. Gay-Neck is the offspring of a "tumbler" father and a mother descended from a long line of aristocratic "carriers." By the tricks of his father he escapes many a murderous hawk, to bring his miraculous maternal heritage to serve against Germany.

The art of domesticating pigeons goes back thousands of years in India, and the birth, training, and mating of Gay-Neck, his experiences in the jungle with Ghond, "the greatest hunter in Bengal," and their work together in the Great War, where "death coiled and screamed like a dragon and crushed all in its grip," is a tale as unusual as it is beautiful. The decorative black-and-white drawings by Boris Artzybasheff illustrate perfectly the spirit of the book.

So much is written yearly that might be classed (in tabloid lingo) as twaddle for tots that it is a genuine pleasure to recommend that this absorbing story be given to children, and any one else who is interested in bird-lore.



THE LONG PASS. By Ralph Henry Barbour. D. Appleton & Co., New York. \$1.75.

Boys are faithful to their authors. Once caught, the boy reader stays caught. Mr. Barbour has published about twenty-five stories in this decade and dozens before, and still they come. Needless to say, this is a football story with a schoolboy hero.



Poetry

"BALLADS FOR SALE." By Amy Lowell. Houghton Mifflin Company, Boston. \$2.25.

A third posthumous book of poems from any source is cause for amazement, and we open this latest volume of Amy Lowell's verse with some curiosity. We think we know what to expect—and we get it in the introductory poem. Miss Lowell has "Ballads for Sale." True to form, she appraises and heralds them:

Did you hear the drums and fife?

Throw up your windows,

For I am passing by your doors
With sheets and sheets of songs.

Some of these she will sell for a penny, some for silver, some for a gold piece; a sonnet, she thinks, should bring a guinea. This is Amy Lowell—one of her, for she is many. But surprises await us—rhyme, rhythm, and a new consonance; even free verse falls into musical line. And we are conscious of a more carefully wrought structure. There seems to be evidence of what the two preceding posthumous volumes lacked—a judicious hand at work, winnowing, clarifying, refining. There is, of course, throughout the Amy Lowell touch—the vigorous stroke, the pithy phrase, and her peculiar slant of view. We

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come upon a gruesome fancy, a delirious dream with unmeaning detail, and humor brutally treated, as in "Proper Invective;" often she strikes a deeper note and mars it by a coarse allusion. In "The Immortals" we have her in familiar vein:

I have read and read you, my Betters,

I have poked and pried beyond
Seeking past words for how you did it.

I have ravelled your patterns out.

And not finding the "rule," she cries:

Must I disqualify?
Well, I won't, my Masters, so reckon
On the valiant rivalry of a flea.

You great gods, why do you beckon?

There are some things which draw us back for a second reading—"The splendour falls from castle walls," "The Book of Stones and Lilies," and "Shooting the Sun," which ends:

Four-soul'd like the wind am I,
Voyaging an endless sky,
Undergoing destiny.



Biography

PATRIOTS OFF THEIR PEDESTALS. By Paul Wilstach. The Bobbs-Merrill Company, Indianapolis. \$2.75.

In one friendly push Mr. Wilstach tips George Washington, Benjamin Franklin, Patrick Henry, Alexander Hamilton, John Adams, Thomas Jefferson, John Marshall, and James Madison off their bases and lays them tenderly down in the grass. The austere Washington off his pedestal becomes human, with such a sense of humor that he was known to roll with laughter on the lawn at Mount Vernon. Benjamin Franklin, we now learn, was a sad wag as well as a philosopher. Patrick Henry's preference of liberty to death appears to have been outdone in a regard for fees. Alexander Hamilton built castles in the air, as well as some very strong ones on the soil. John Adams had a "hungry, insatiable mind" that got him into many scrapes. "Jefferson was a dreamer." True, and dreamed some mighty dreams that came through. John Marshall, instead of being a pundit, was "the cheeriest, blithest spirit of all the early fathers." James Madison's "unpretentious amiability" was his best characteristic, beyond his great abilities. Mr. Wilstach has some trouble in prying Madison loose, and is inclined to leave him where history puts him.



ALFRED E. SMITH. A Critical Study. By Henry F. Pringle. Macy-Masius, New York. \$3.

Written in a tone of florid admiration, this volume will please the admirers of the Governor of New York, without furnishing the critical the deeper view they will require before being convinced that he is the *ne plus ultra* of a statesman. It is more than difficult to write the life of a living man without being for or against him. Mr. Pringle is most decidedly "for" his subject, whom he converts into a sort of idol. The Governor's very considerable accomplishments would stand out better in a less shining setting. On the religious issue as a factor in the coming contest for the Presidency the author ventures to express himself thus confidently:

"Smith will, if nominated, receive the support of the solid South. Talk that Southerners will decline to vote for a Catholic is perfectly foolish. Some may remain away from the polls, of course. A few may mark their ballots for God and Protestantism. But the total of those who do this will be so small as to be negligible."

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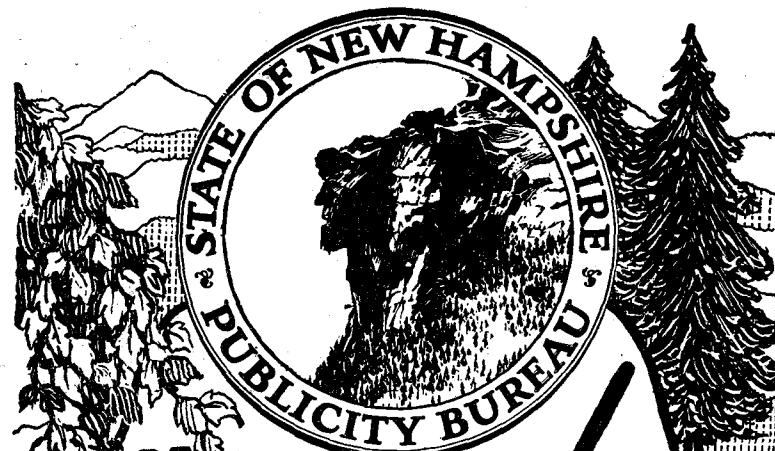
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Lights Down

(Continued from page 154)

although he has never known it—this scene and the cross-examination which follows it, in which the prosecuting attorney mercilessly strips her past naked, would be heartrending in the extreme. As it is, Ann Harding's torrent of sobs, while marvelously done, leaves the spectator fairly untouched.

Let us get on with the mystery! is what is wanted.

The same thing is true of the rôle of the brother. Rex Cherryman brings to it a vigorous masculinity and an emotional appeal rare in our leading actors of late years. But his ingenuity in unraveling the mystery means more to us than his sufferings.

The upshot is that people who would shrink from a Hall-Mills trial can attend Mary Dugan's with almost perfect equanimity and considerable entertainment. The only shadow left—and it is no faint one—is the question that obtrudes itself once the whole affair is over and settled: Have human beings been sent to their death by the People on circumstantial evidence much like this—apparently convincing, and yet in reality utterly unreliable? Coming from "The Trial of Mary Dugan" it is difficult to escape the feeling that possibly our whole machinery for human justice, viewed at first hand, may not be all that it is cracked up to be.

Europe in the Air

(Continued from page 148)

record. There have been one or two accidents on the French lines and one or two on the German lines. Planes are often forced down because of the fog or storm, but the science of landing has developed so far that wheat and corn fields present few death traps. All that remains in these fields are the "scarecrows." The flight of Commander Byrd proved, for one thing, that it is possible to go through the most terrific of storms and land without loss of life.

The three great airdromes of Europe—Le Bourget, Croydon, and Tempelhof—have become veritable passenger stations. At Le Bourget, where the lines of the Continent converge, is to be found a brick station house with restaurant and café, ticket office, commissionaires fitted out like railway depot bag carriers, and taxicabs waiting to make the run into Paris. Passengers go in certain gates and out certain gates. It is likely that the Government will erect a hotel there within the next year for the accommodation of night fliers. There is a hubbub about the terminal throughout the day and night, with planes arriving from all points on the Continent and from England.

AN indication of the safety of flying is the fact that insurance companies who underwrite each passenger who boards a ship are thriving and paying dividends. With each ticket bought on a German line there goes an insurance of 25,000 reichmarks, or more than \$6,000, against death or permanent disability, and 25 reichmarks for each day an injured person is forced to remain away from his desk. The insurance covers explosion, fire, destruction, loss, and theft. The other lines also offer insurance. For the skeptical they offer additional insurance above that allowed on the purchase price of a ticket.

The people of Europe climb into their airplanes and fly. That is all there is to it. They have no desire to come down until they reach their destination. Hence they stay up in the air.

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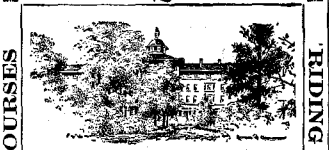
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For other Classified Advertisements see page 157

Rolls and Discs

By LAWRENCE JACOB ABBOTT

Phonograph Records

SYMPHONY NO. 7, in A Major, Opus 92 (Beethoven). Played by the Philadelphia Symphony Orchestra, conducted by Leopold Stokowski. In ten parts, on five records, with spoken analysis on sixth record. Victor.

Although electrically made records of Beethoven's Seventh Symphony are already available in this country—conducted by Weingartner, issued by Columbia—ardent gramophiles will welcome a performance of this work by another distinguished conductor, with its resulting opportunity for choice as to interpretation. Stokowski presents a characteristically brilliant reading of what Wagner has called the "apotheosis of the dance." From first to last, Stokowski's virtuosity finds a happy hunting-ground for thrilling orchestral presentation in the sweeping, pulsating rhythms of this symphony. Nowhere is this more in evidence than in the last movement. The stride, both of the composition and of its performance, is magnificent. Also strongly characteristic of this great musical showman is his treatment of the counter-melody to the first theme of the slow movement, which is romanticized by violas and cellos.

Throughout the symphony the brilliance of the violins is amazing. Not always are the Philadelphia's wind instruments under as perfect control as the strings; in one or two places they lean towards sloppiness. The recording is startlingly good for its combination of stirring volume with accurate tone, balance, and acoustics. This symphony, and especially the second movement, contains the best double-bass recording to date. As with the Brahms symphony, Stokowski's explanations are a valuable addition; it is a pity he does not devote the whole record to discussion of the specific musical material—or, better still, make a double-faced instead of single-faced record.

SYMPHONY NO. 41, in C Major, Opus 551—"Jupiter" (Mozart). Played by symphony orchestra conducted by Sir Dan Godfrey. In eight parts, on four records. Columbia.

A welcome addition to the library of discs is the "Jupiter." This symphony, perhaps more than any other of Mozart's, contains all the elements of greatness. Parts of it strongly foreshadow the epic qualities of the Beethoven symphonies which were to follow a score or so years later. (Even in specific details: the eighth-note theme in the finale, if inverted, becomes, note for note, the end of the theme of the finale of Beethoven's Fifth.) In all too many symphonies the later movements never quite equal the first; in the "Jupiter," as in the C Minor Symphony of Brahms, the finale is truly the climax. This particular recording of the symphony I approached with some hesitancy as to the quality of the performance I was to hear. The cryptic labeling, like that on the Coates records, gives no hint as to the identity of the orchestra. Is it a combination of the personnels of two orchestras? Is it a "scratch" orchestra? Is it a well-known orchestra whose identity is concealed to avoid a violation of contract? Fortunately, my doubts were quickly dispelled. The performance is an excellent one. The recording, too, is good—although much of the interesting contrapuntal work in the last movement becomes lost in the shuffle. The fullness of tone when the entire orchestra is playing and the precision of the wood-winds are pleasantly in evidence.

QUARTET IN B FLAT MAJOR, Opus 130 (Beethoven). Played by the Lener String Quartet of Budapest. In ten parts, on five records. Columbia.

How flexible these later quartets of Beethoven are! This one is independent both in form and harmony. Witness the changes in *tempo* and mood: the interruption in the *presto* movement and the carrying of the opening *adagio* through all the appearances of the *allegro* subject. It is a temptation to call the performance a scholarly one—but that adjective hardly does justice to the warmth of the Lener's playing. Out of the *cavatina* movement the quartet creates a highly emotional piece of music. It is Beethoven's nearest approach to Wagner's "Tristan." There is an unusual softness in the tone quality of the Lener ensemble.

MIDSUMMER NIGHT'S DREAM—Overture, Scherzo, Nocturne, Wedding March (Mendelssohn). Played by the San Francisco Symphony Orchestra, conducted by Alfred Hertz. In seven parts, on four records, the eighth part being Schubert's *Rosamunde—Entr' Acte*. Victor.

Musical literature has something precious in this "Midsummer-Night's Dream" music, even though it comes under the heading of "pretty," rather than great music. The performance of the San Franciscans displays it to good advantage. Their playing is polished in detail; Hertz has done a fine piece of conducting. Even to one who has become familiar with Toscanini's recordings (Brunswick) of the *Scherzo* and *Nocturne*, with their indescribable delicacy and perfection of outline, Hertz's readings seem admirable. The recording is not of the "knock 'em cold" variety, but the illusion of the orchestra's presence is as real as with any other. One can hear details in the instrumentation which are lost at nine concert performances out of ten. Schubert's flowingly melodic "Rosamunde" music is a good choice to fill the last half-record—and well played, too.

CONCERTO FOR BASSOON AND ORCHESTRA, in B Flat Major, Opus 191 (Mozart). Played by Archie Camden and orchestra conducted by Sir Hamilton Harty. In five parts, on three records, the sixth part being Senaille's *ALLEGRO SPIRITOSO*. Columbia.

Very few readers of this page, the chances are, have heard a bassoon concerto. Yet it is something that nobody should miss. When playing with other instruments of the orchestra, the bassoon cannot easily show its "color" possibilities. But when playing alone, this instrument—a strange mixture of beauty, bluntness, and baboonery—is unforgettable. The music itself is pleasing enough, with characteristic Mozartian freshness. There is variety in the soloist's part, including cadenzas which should be listened to with joy by every student of orchestration. The orchestra does not measure up to symphonic standards; by its tone, it appears to be lacking a full quota of stringed instruments.

THE BATTLE SYMPHONY (Beethoven). Played by the Orchestra of the State Opera House, Berlin, conducted by Dr. Weissmann. In four parts, on two records. Odeon.

Beethoven was human, after all! "The Battle Symphony" proves it. This curious piece of hack writing should be a comfort to all who write battle music for the movies; it is neither good music nor a good imitation of a battle. In its introduction of national airs it is the ancestor of the popular "mammy" song which inevitably quotes

a few bars of "Dixie" or "Old Folks at Home." Not until the fourth part does it start to resemble Beethoven's real symphonic writing. It is of value chiefly as a musical curiosity. Dr. Weissmann, I suppose, does the best he can with it.

DON QUICHOTTE—Finale (Massenet). Sung by Feodor Chaliapin. In two parts, on one record. Victor.

LOHENGRIN—Elsa's Dream (Wagner); **TANNHAUSER—Elizabeth's Prayer** (Wagner). Sung by Maria Jeritza. Victor.

CARMEN—Love Is Like a Wood Bird; Near the Walls of Seville (Bizet). Sung by Sigrid Onegin. Brunswick.

DON CARLOS—Dormiro Sol Nel Manto (Verdi); **VESPRI SICILIANI—O Tu Palermo!** (Verdi). Sung by Ezio Pinza. Victor.

Three of these records contain the traditional operatic excerpts, sung well, but crying for larger-sized orchestras to make them as effective as they deserve to be. The remaining record gives us about ten minutes of the final scene of the opera of "Don Quixote." The tone quality of Chaliapin's voice plus his natural aptitude as an actor make of this an interesting recording. The lady who sings, supposedly off stage, is Olive Kline.

I'M GOIN' TO TELL GOD ALL O' MY TROUBLES (Arr. Brown); **DEEP RIVER** (Burleigh). Sung by Paul Robeson. Victor.

QUIEREME MUCHO (Roig); **A LA ORILLA DE UN PALMAR** (Ponce). Sung by Tito Schipa. Victor.

Think of the voice as purely a musical instrument—and is not Paul Robeson the "Swan" Stradivarius among baritones and Tito Schipa the same among tenors? Here are two good examples of these superb voices. "I'm Goin' to Tell God" is among the finest of Robeson's repertory of spirituals. Schipa's two songs are simple and pleasant—no more.

Piano Rolls

ORGAN FANTASIE AND FUGUE IN G MINOR (Bach-Liszt). Played by Percy Grainger. Duo-Art.

Percy Grainger usually treats his audience to interesting programs, in his recordings as well as in his concert appearances. His choice of the great Bach G Minor Organ Fantasia is no exception. It is music which thunders forth in noble majesty, and at times takes on an almost Scandinavian melancholy and eloquence. Grainger gives it a stirring virile performance. The roll is, unfortunately, incorrectly labeled, since the fugue is not included.

SCHERZO IN C SHARP MINOR, Opus 39 (Chopin). Played by Ignace Jan Paderewski. Duo-Art.

This *scherzo* Paderewski is willing to let stand on its own feet. Instead of bolstering it up by theatrical changes of *tempo*, he plays it at an unwaveringly brisk pace. The result is satisfying.

ETUDES—Opus 10, No. 11; Opus 25, No. 9, "Butterfly" (Chopin). Played by Josef Lhévinne. Ampico.

ETUDE IN D FLAT—"Un Sospiro" (Liszt). Played by Mischa Levitzki. Ampico.

In the first of the *études* listed above is a delicacy combined with harmonic splurge which makes it one of the most delightful of the Chopin *études*—especially when played, as this is, with befitting restlessness. Lhévinne plays the familiar "Butterfly" with technical perfection. But he is mechanical; he fails to depict the fragility and ethereality of the butterfly. The Liszt *étude* is mostly pyrotechnics, with an occasional trace of beauty for its own sake, and is chiefly interesting for its skillfully wrought accompaniment.